



# भारत का राजपत्र

## The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 20]

नई दिल्ली, शनिवार, नई 19, 1973/ वैशाख 29, 1895

No. 20]

NEW DELHI, SATURDAY, MAY 19, 1973/VAISAKHA 29, 1895

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence) by Central Authorities  
(other than the Administration of Union Territories)

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

आदेश

ORDER

नई दिल्ली, 5 मार्च, 1973

New Delhi, the 5th March, 1973

क्र. आ. 1377.—यतः निर्वाचन आयोग का समाधान हो गया है कि विधान सभा के लिए निर्वाचन के लिए 2-विजयपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भगवान ग्राम भैंसई, पोस्ट विजयपुर, जिला मुरैना (मध्य प्रदेश), लोक प्रतिनिधित्व, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा वारिकल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भगवान का संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित धोषित करता है।

[सं. म. प्र.वि. स./2/72(1)]

[No. MP-LA/2/72(1)]

(1809)

## आवृत्ति

नई दिल्ली, 20 मार्च, 1973

क्र. आ. 1378.—यतः, निर्वाचन आयोग का समाधान हो गया है कि विधान सभा के लिए निर्वाचन के लिए 3-सबलगरह निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राजाराम, ग्राम व पो. आ. कैलारस, परगना, सबलगरह, जिला मुरेना (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राजाराम को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. म. प्र.-वि. स./3/72(2)]

## ORDER

New Delhi, the 20th March, 1973

S.O. 1378.—Whereas the Election Commission is satisfied that Shri Raja Ram, Village & P.O. Kailarus, Pargana Sabalgarh, District Morena a contesting candidate for election to the Legislative Assembly from 3-Sabalgarh constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Raja Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/3/72(2)]

## आवृत्ति

क्र. आ. 1379.—यतः, निर्वाचन आयोग का समाधान हो गया है कि विधान सभा के लिए निर्वाचन के लिए 3-सबलगरह निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रामचरण सिंह, दुर्गा कालोनी, बाल बाजार, लश्कर, जिला ग्वालियर, (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रामचरण सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. म. प्र.-वि. स./3/72(3)]

बी. एन. भारद्वाज, सचिव :

## ORDER

S.O. 1379.—Whereas the Election Commission is satisfied that Shri Ram Charan Singh, Durga Colony, Dal Bazar, Lashkar, District Gwalior, a contesting candidate for election to the Legislative Assembly from 3-Subalgarh constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Charan Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/3/72(3)]

B. N. BHARDWAJ, Secy.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

ORDER No. 64

New Delhi, the 30th April, 1973

S.O. 1380.—On the grant of an annual increment to Shri B. N. Mathur in the post of Proof Reader, Official Language (Legislative) Commission, (Legislature) Department with effect from the 11th September, 1972 raising his pay from Rs. 208/- per month, his pay in the post of Translator in the commission is restricted under F. F. 35 to Rs. 277.33 (Rupees two hundred and seventy seven and paise thirty three) with effect from that date on the analogy of the instruction contained in the Ministry of Finance O.M. No. 10(24)E. III/60 dated 9-3-1964

[No. F. 36(20)/70-Adm.I.(LD)]

E. VENKATESWARAN, Dy. Secy.

## वित्त मन्त्रालय

राजस्व एवं बीमा विभाग

(आयकर आयुक्त कार्यालय)

नागपुर, 6 अप्रैल, 1973

क्र० आ० 1381.—चुकि केन्द्रीय सरकार की राय है, कि वित्तीय वर्ष 1971-72 की अवधि में 5000/- रु० से अधिक का जुर्माना, जिन व्यक्तियों पर लगाया गया उनके नाम तथा अन्य विवरणों को प्रकाशित करना लोक हित में आवश्यक और मन्योचित है।

अतः केन्द्रीय सरकार के आदेश दिनांक 25 मार्च, 1969 के द्वारा इस विषय में आयकर अधिनियम, 1961 (1961 का 43) की धारा 287 के अनुसार प्रदत्त शक्तियों का प्रयोग करते हुए, आयकर आयुक्त, विदर्भ तथा मराठवाड़ा, नागपुर एतद्द्वारा इससे सलग्न अनुसूची में उनके नाम तथा अन्य विवरणों को प्रकाशित करता है।

## अनुसूची

वे व्यक्ति जिनपर वित्तीय वर्ष 1971-72 की अवधि में 5000/- रु० से अधिक का जुर्माना लगाया गया

क्र सं०	निर्धारितों का नाम व पता	प्रस्थित	निर्धारण वर्ष	जुर्माने की राशि	धारा जिसके अधीन जुर्माना लगाया गया
1	2	3	4	5	6
				रुपये	
1	श्री जे० सी० मुनोट, अमरावती	व्यष्टि	1956-57	6880	271(1) (सी)
2	मै० लक्ष्मी लाइम स्वर्क्स, राजौर	अपजीकृत फर्म	1967-68	5586	271(1) (सी)
3	नागपुर ओरेंज ग्रोवर्स कोपरेटिव एसोसिएशन लि० नागपुर	व्यक्तियों का संगम	1965-66	5363	271(1) (सी)
4	महम्मद इशाक मुहम्मद हनीफ, मुरतिजापुर	व्यष्टि	1966-67	7098	271(1) (ए)
5	श्री डी० के० तम्बे, अकोला	व्यष्टि	1965-66	10000	271(1) (सी)
6	श्री एम० पी० नंद, अकोला	व्यष्टि	1968-69	5000	271(1) (सी)
7	श्री दगदुलाल मेघराज मदासी, तालुका वाशिम	व्यष्टि	1965-66	10000	271(1) (सी)

[स० नसूची/2/72-73]

## MINISTRY OF FINANCE

(Department of Revenue and Insurance)

(Office of the Commissioner of Income-tax)

Nagpur, the 6th April, 1973

S.O. 1381.—Whereas the Central Government is of the opinion that it is necessary and expedient in public interest to publish the names and other particulars relating to persons on whom penalty of not less than Rs. 5000/- was imposed during the financial year 1971-72.

And whereas in exercise of the powers conferred by section 287 of the Income tax Act, 1961 (43 of 1961) in this behalf on me by the Central Government by its order dated 25th March, 1969.

I the Commissioner of Income tax, Vidarbha and Marathwada, Nagpur hereby publish the names and other particulars in Schedule to annexed.

## SCHEDULE

Persons on whom penalty of not less than Rs. 5000/- was imposed during financial year 1971-72.

S. No.	Name and address of the assessee	Status	Asstt. year	Amount of penalty	Section in which penalty was imposed
1	2	3	4	5	6
1.	Shri J.C. Munot, Amraoti	Indl.	1956-57	Rs. 6880	271 (1) (c)
2.	M/s Laxmi Lime Works, Rajour	U.R.F.	1967-68	5586	271 (1) (c)
3.	Nagpur Orange Growers Cooperative Association Ltd. Nagpur	AOP	1965-66	5363	271 (1) (a)
4.	Mohd. Ishaq Mohd. Hanuf, Murtizapur	Indl.	1966-67	7098	271 (1) (a)
5.	D.K. Tambe, Akola	Indl.	1965-66	10000	271 (1) (c)
6.	M.P. Nand, Akola	Indl.	1968-69	5000	271 (1) (c)
7.	Shri Dagdulal Meghraj Madsai, Tq. Washim	Indl.	1965-66	10000	271 (1) (c)

[No. Recy—2/72—73.]

क्र० आ० 1382.—भूमि केन्द्रीय सरकार की राय है कि निम्नलिखित निर्धारितियों के नाम व अन्य विवरणों को प्रकाशित करना लोक हित में आवश्यक और सम्योचित है—

वित्तीय वर्ष 1971-72 के दौरान

(1) ऐसे व्यक्ति या हिन्दू अविभक्त कुटुम्ब जिनका 1 (एक) लाख रुपये से अधिक की आय पर निर्धारण हुआ है।

(2) ऐसी फर्म, व्यक्तियों का संगम या कम्पनियों जिनका 10 लाख रुपये से अधिक की आय पर निर्धारण हुआ है।

इसलिए, आयकर अधिनियम, 1961 (1961 का 43) की धारा 287 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्देश देती है कि उपर्युक्त निर्धारितियों के नाम व अन्य विवरणों को प्रकाशित किया जाय, और उन्हें एतद्द्वारा इससे सलग्न अनुसूची i और ii में प्रकाशित किया जाता है।

#### अनुसूची—I

सम्मत व्यक्तियों और हिन्दू अविभक्त कुटुम्बों के नाम जिनका वित्तीय वर्ष 1971-72 के दौरान 1 (एक) लाख रुपये से अधिक की आय पर निर्धारण हुआ

क्रमांक	निर्धारित का नाम व पता	प्रस्थिति	निर्धारण वर्ष	आयकर अधिनियम, 1961 के अन्तर्गत निर्धारण आय
1	2	3	4	5
1.	श्रीमती वेदकुमारी शर्मा, नागपुर	व्यष्टि	1967-68	₹ 117,424
2.	श्री के० सी० भारद्वाज, नागपुर	व्यष्टि	1967-68	₹ 135,194
3.	श्री के० सी० भारद्वाज, नागपुर	व्यष्टि	1968-69	₹ 1,17,920
4.	श्री बी० ई० डूंगाजी, मई कालीनी, नागपुर	व्यष्टि	1970-71	₹ 1,23,663
5.	श्री फकरुद्दीन मालिक सैन्दुल इंजीनियरिंग मिल्स स्टोर्स, तीन तल चौक, नागपुर	व्यष्टि	1969-70	₹ 1,03,730
6.	जुसुब बैक भागीदार मैन जुसुब गनी, सी० ए० रोड, नागपुर	व्यष्टि	1963-64	₹ 1,20,127
7.	स्वर्गीय एस० के० छोटे, निष्पावक डी० के० भाविलकर, अलीबाबा, जिला कोलाबा	व्यष्टि	1967-68	₹ 1,87,300
8.	—वही—	व्यष्टि	1968-69	₹ 1,79,120
9.	—वही—	व्यष्टि	1969-70	₹ 2,11,400
10.	श्री रावजी भाई थाराभाई पटेल	व्यष्टि	1969-70	₹ 2,15,890
11.	मै० पंजाब वस्त्र भंडार नागपुर	पंजीकृत फर्म	1970-71	₹ 114,998
12.	मै० राठी एण्ड कं० गांधीबाग नागपुर	"	1971-72	₹ 124,960
13.	मै० गौरी शंकर रामचन्द्र नागपुर	"	1970-71	₹ 108,529
14.	मै० सोहनलाल एण्ड कं०, नागपुर	"	1967-68	₹ 108,705
15.	मै० गौरीशंकर रामचन्द्र, नागपुर	"	1971-72	₹ 120,608
16.	मै० चांडक एण्ड कंपनी, नागपुर	"	1971-72	₹ 120,049
17.	मै० रामनिक लाल मोहनलाल एण्ड कं०, नागपुर	"	1971-72	₹ 161,210
18.	मै० लक्ष्मी ट्रेडिंग कंपरेशन, नागपुर	"	1971-72	₹ 112,063
19.	मै० हसनजी इलेक्ट्रीकल्स	"	1971-72	₹ 107,387
20.	श्री नेम कुमार पोरवाल, काम्पटी	द्विप्रकुं	1967-68	₹ 247,491
21.	श्रीमती रत्नाबाई पोरवाल, नागपुर	व्यष्टि	1967-68	₹ 107,602
22.	मै० काश्मीर स्टोर्स, नागपुर	पंजीकृत फर्म	1971-72	₹ 104,155
23.	मै० नारायण दास तापडिया, काटोल	"	1967-68	₹ 136,206
24.	—वही—	"	1968-69	₹ 128,509
25.	—वही—	"	1969-70	₹ 113,330
26.	श्रीमती रत्नाबाई पोरवाल, काम्पटी	व्यष्टि	1968-69	₹ 225,310
27.	मै० बोम्बे पाइप ट्रेडर्स, नागपुर	पंजीकृत फर्म	1970-71	₹ 126,452
28.	मै० हरियाणा जनरल ट्रेडिंग कंपरेशन, नागपुर	"	1971-72	₹ 126,709
29.	श्री कन्हैयालाल गिरधारीलाल, सावनेर	व्यष्टि	1971-72	₹ 101,433
30.	श्री प्रमोद कन्हैयालाल महेश्वरी, सावनेर	"	1971-72	₹ 123,142
31.	श्री प्रकाश महेश्वरी, सावनेर	"	1971-72	₹ 124,471
32.	मै० नागपुर रिरोलिंग मिल्स, काम्पटी	पंजीकृत फर्म	1967-68	₹ 172,594
33.	श्रीमती रत्नाबाई पोरवाल, काम्पटी	व्यष्टि	1969-70	₹ 204,675
34.	मै० लोहिया एण्ड सन्स, काम्पटी	पंजीकृत फर्म	1969-70	₹ 571,775
35.	—वही—	"	1970-71	₹ 314,335
36.	प्यार जेव केसरीमल, पोरवाल काम्पटी	"	1969-90	₹ 666,699



1	2	3	4	5
37.	श्री जोब एंस० बाली, नागपुर	व्यष्टि	1966-67	रु० 1,26,880
38.	श्री पी० आर० मोधी, नागपुर	"	1966-67	रु० 1,12,125
39.	जे० व्ही शाह, नागपुर	"	1966-67	रु० 1,34,833
40.	श्री जे० न० डागा, नागपुर	हि०अं०कु०	1964-65	रु० 2,30,180
41.	श्री एस० एन० डागा, नागपुर	"	1964-65	रु० 2,30,790
42.	श्रीमती राधा देवी डि० डागा, नागपुर	व्यष्टि	1964-65	रु० 2,30,170
43.	श्रीमती श्रीकृन्वर्देवी एच० डागा, नागपुर	"	1964-65	रु० 2,30,190
44.	श्री गेखर कुमार बजाज, वर्धा	"	1964-65	रु० 2,18,440
45.	श्री गेखरकुमार बजाज, वर्धा	"	1970-71	रु० 1,30,130
46.	श्रीमती उमादेवी अग्रवाल	"	1969-70	रु० 1,10,140
47.	—वही—	"	1970-71	रु० 1,11,630
48.	श्री कृष्ण कुमार डागा, नागपुर	"	1969-70	रु० 1,24,875
49.	श्री किशोरकुमार डागा, नागपुर	"	1969-70	रु० 1,25,110
50.	श्रीमती राधादेवी टी० डागा, नागपुर	"	1969-70	रु० 1,93,485
51.	श्रीमती श्रीकृन्वर्देवी एच० डागा, नागपुर	"	1969-70	रु० 2,64,695
52.	श्री गोवरधन डी० डागा, नागपुर	"	1969-70	रु० 1,71,080
53.	श्रीमती विमलादेवी बजाज वर्धा	"	1969-70	रु० 1,35,120
54.	श्री सुशीलकुमार सराफ, वर्धा	"	1969-70	रु० 1,93,230
55.	श्री रमेश्वरजी सराफ, वर्धा	"	1969-70	रु० 1,95,190
56.	श्री रानजोडदस मेहता, हिंगनघाट	"	1970-71	रु० 1,00,667
57.	श्री जमनादास डागा, नागपुर	"	1969-70	रु० 1,39,270
58.	श्री बाय० ए० खरे नागपुर	"	1966-67	रु० 1,24,490
59.	श्री जे० ह० विलमोरीया	"	1970-71	रु० 1,33,092
60.	श्री आर० एम० टारकुडे, नागपुर	"	1967-68	रु० 1,49,802
61.	श्री बाय० ए० खरे,	"	1967-68	रु० 1,44,544
62.	श्री शंकरलाल गोवर्धनदास चांडक, अकोला	"	1970-71	रु० 1,01,260
63.	श्री स्व० महम्मद इशाक महम्मद हनीफ, एल/एच श्रीमती अमीलाबाई और श्रीमती नासीराबाई, वाईफ/आफ महम्मद इशाक महम्मद, मूर्तीजापूर	"	1969-70	रु० 1,34,160
64.	रामबिलास गनपत, अकोला	"	1971-72	रु० 1,20,300
65.	श्री आर० एच० अग्रवाल, खामगांव	"	1967-68	रु० 1,09,480
66.	श्री बालाजी लक्ष्मन साहूकार, चन्द्रपूर	"	1969-70	रु० 3,10,120
67.	श्री मनोहर बालाजी साहूकार, चन्द्रपूर	"	1968-69	रु० 1,36,360
68.	श्री मनोहर बालाजी साहूकार, चन्द्रपूर	"	1969-70	रु० 3,26,740
69.	श्री सुधाकर बालाजी साहूकार, चन्द्रपूर	"	1969-70	रु० 3,27,040
70.	श्री मधुकर बालाजी साहूकार, चन्द्रपूर	"	1969-70	रु० 3,27,030
71.	श्री नामदेव बालाजी —वही—	"	1968-69	रु० 1,69,060
72.	—वही—	"	1969-70	रु० 3,60,690
73.	श्री शामराव बालाजी साहूकार चन्द्रपूर	"	1968-69	रु० 1,70,750
74.	—वही—	"	1969-70	रु० 3,56,900
75.	श्री मुलचन्द नेमीचन्द, वरोरा	"	1967-68	रु० 1,96,370
76.	श्री वसन्त बालाजी साहूकार	हि०अं०कु०	1967-68	रु० 1,41,820
77.	—वही—	"	1968-69	रु० 1,46,560
78.	—वही—	"	1969-70	रु० 3,66,660

## अनुसूची—II

वित्तीय वर्ष 1971-72 के दौरान 10 लाख रुपये से अधिक की आयकर निर्धारित हुए सभी फर्मों, व्यक्ति संगमों और कम्पनियों के नाम ।

क्रमांक	निर्धारित का नाम व पता	प्रस्थिति	निर्धारण वर्ष	आयकर अधिनियम 1961 के अन्तर्गत निर्धारण आय
1.	मै० एन० व्ही एस० बालाजी एण्ड कम्पनी, चन्द्रपुर	पंजीकृत फर्म	1969-70	28,29,250
2.	मै० रायबहादुर बन्नीलाल, अवीरचन्द, नागपुर	"	1969-70	17,21,030

[स० वसूली/1/72-73]

ब० ज० फार्मिक आयुक्त,

S. O. 1382--Whereas the Central Government is of the opinion that it is necessary and expedient in public interest to publish the names and other particulars of the assesseees :—

(i) being individuals or Hindu U. F. who have been assessed on an income of more than one lakh of rupees ;

(ii) being firms, Association of persons or companies who have been assessed on an income of more than 10 lakhs of rupees ;

During the financial year 1971-72 and has therefore in exercise of the powers conferred by section 287 of the Income tax Act, 1961 (43 of 1961) directed that the names and other particulars of the assesseees aforesaid be published. The same are hereby published as schedules I and II here to be annexed.

## SCHEDULE—I

Names of all Individuals and H.U. Fs. assessed on income of over Rs. 1 lakh during the financial year 1971-72.

S. No.	Name and address of assessee	Status	A.Y.	Income assessed under I.T. Act, 1961
1	2	3	4	5
				Rs.
1.	Smt. Vedkumari Sharma, Nagpur.	Indl.	1967-68	1,17,424
2.	Shri K.C. Bhargava, Nagpur	"	1967-68	1,35,194
3.	—do—	"	1968-69	1,17,920
4.	" B.E. Deongaji, New Colony, Nagpur.	"	1970-71	1,23,663
5.	" Fakruddin, Prop. Central Engineering Mills Stores, Tin Nal Chauk, Nagpur.	"	1969-70	1,03,730
6.	" Jusub Bank P/o M/s. Jusub Gani, C.A. Rd., Nagpur.	"	1963-64	1,20,127
7.	" Late S.K. Dhote, Executor D.K. Khanvilkar Alibagh, Distt., : Kolaba.	"	1967-68	1,87,300
8.	" " "	"	1968-69	1,79,120
9.	" " "	"	1969-70	2,11,400
10.	" Raojibhai Dharibhai Patel, Gondia.	"	1969-70	2,15,890
11.	M/s. Punjab Vastra Bhandar, Nagpur.	R.F.	1970-71	1,14,998
12.	M/s. Nathi & Co. Gandhibath, Nagpur.	"	1971-72	1,24,960
13.	" Gaurishankar Ramchandra, Nagpur.	"	1970-71	1,08,529
14.	" Sohanlal & Co., Nagpur.	"	1967-68	1,08,705
15.	" Gaurishankar Ram Chandra, Nagpur.	"	1971-72	1,20,608
16.	" Chandak & Co. Nagpur.	"	1971-72	1,20,049
17.	" Ramniklal Mohanlal & Co., Nagpur.	"	1971-72	1,61,210
18.	" Laxmi Trading Corpn., Nagpur.	"	1971-72	1,12,063
19.	" Hassonjee Electricals.	"	1971-72	1,07,387
20.	Shri Nemkumar Porwal, Kamptee.	HUF	1967-68	2,47,491
21.	Smt. Ratanabai Porwal, Nagpur.	Indl.	1967-68	1,07,602
22.	M/s. Kashmir Stores, Nagpur.	RF	1971-72	1,04,155
23.	" Narayandas Tapadia, Katol.	"	1967-68	1,36,206
24.	" " "	"	1968-69	1,28,509
25.	" " "	"	1969-70	1,13,330
26.	Smt. Ratanabai Porwal, Kamptee.	Indl.	1968-69	1,25,310
27.	M/s. Bombay Pipe Traders, Nagpur.	R.F.	1970-71	1,26,452
28.	" Hariyana General Trading Corpn., Nagpur.	"	1971-72	1,26,709

1	2	3	4	5
29.	Shri Kaniyalal Girdharilal, Saoner.	Indl.	71-72	1,01,433
30.	Shri Prakash Maheshwari, Saoner.	"	"	1,24,471
31.	" Pramod Kaniyalal Maheshwari, Saoner.	"	"	1,23,142
32.	M/s Nagpur Rerolling Mills, Kamptec.	R.F.	67-68	1,72,594
33.	Smt. Ratnabai Porwal, Kamptec.	Indl.	69-70	2,04,675
34.	M/s Lohia & Sons, Kamptec.	R.F.	"	5,71,775
35.	"	"	70-71	3,14,335
36.	Pyarchand Keshrimal Porwal, Kamptec.	R.F.	69-70	6,66,699
37.	Shri Zueb S. Vali, Nagpur.	Indl.	66-67	1,26,880
38.	" P.R. Modi, Nagpur.	Indl.	66-67	1,12,125
39.	" J.V. Shah, Nagpur.	Indl.	66-67	1,34,833
40.	" J.N. Daga, Nagpur.	HUF.	64-65	2,30,180
41.	" S.N. Daga, Nagpur.	HUF.	64-65	2,30,790
42.	Smt. Radhadevi D. Daga, Nagpur.	Indl.	64-65	2,30,170
43.	Smt. Shrikunwardevi H. Daga, Nagpur.	Indl.	64-65	2,30,190
44.	Shri Shekher kumar Bajaj,	Indl.	64-65	2,18,440
45.	Shri Shekharkumar Bajaj Wardha.	Indl.	70-71	1,30,130
46.	Shri Umadevi Agarwal.	Indl.	69-70	1,10,140
47.	—do—	Indl.	70-71	1,11,630
48.	Shri Krishnakumar Daga, Nagpur.	"	69-70	1,24,875
49.	Shri Kishorkumar Daga, Nagpur.	"	"	1,25,110
50.	Smt. Radhadevi D. Daga, Nagpur.	"	"	1,93,485
51.	" Shrikunwardevi H. Daga, Nagpur.	"	"	2,64,695
52.	" Shri Govardhan D. Daga, Nagpur.	"	"	1,71,080
53.	Smt. Vimladevi Bajaj, Wardha.	"	"	1,35,120
54.	Shri Sushilkumar Saraf, Wardha.	"	"	1,93,230
55.	Shri Rameshwarji Saraf, Wardha.	"	"	1,95,190
56.	Shri Ranchhodas Mehta, Hinganghat.	"	70-71	1,00,667
57.	" Jamnadas Daga, Nagpur	"	69-70	1,39,270
58.	" Y.A. Khare, Nagpur.	"	66-67	1,24,490
59.	" J.F. Bilimoria.	"	70-71	1,33,092
60.	" R.M. Tarkunde, P.O. above.	"	67-68	1,49,802
61.	" Y.A. Khare, P/o above.	"	67-68	1,44,544
62.	Shankarlal Goverdhandas Chandak, Akola.	"	70-71	1,01,260
63.	Late Shri Mohd. Ishaq Mohd. Hanif, L/H Smt. Jamilabai & Smt. Nazirabai, w/o Mohd. Ishaq Mohd., Murtizapur.	"	69-70	1,34,160
64.	Rambilas Ganpat, Akola.	"	71-72	1,20,300
65.	Shri R.H. Agarwal, Khamgaon.	"	67-68	1,09,480
66.	Shri Balaji Laxman Sahukar, Chandrapur.	"	69-70	3,10,120
67.	Shri Manohar Balaji Sahukar Chandrapur.	"	68-69	1,36,360
68.	Shri Manohar Balaji Sahukar, Chandrapur.	Indl.	69-70	3,26,740
69.	Shri Sudhakar Balaji Sahukar, Chandrapur.	"	69-70	3,27,040
70.	Shri Madhukar Balaji Sahukar, Chandrapur.	"	69-70	3,27,030
71.	Shri Namdeo Balaji Sahukar, Chandrapur.	"	68-69	1,69,060
72.	—do—	"	69-70	3,60,690
73.	Shyamrao Balaji Sahukar, Chandrapur.	"	68-69	1,70,750
74.	—do—	"	69-70	3,56,900
75.	Shri Mulchand Nemchand, Warora.	"	67-68	1,96,370
76.	Shri Vasant Balaji Sahukar	HUF.	67-68	1,46,820
77.	—do—	HUF.	68-69	1,46,560
78.	—do—	"	69-70	3,66,660

## SCHEDULE—II

Names of all Firms AOPs. and Companies assessed on income of over Rs. 10 lakhs during the financial year 1971-72.

1.	M/s. N.V.S. Balaji & Co. Chandrapur.	R.F.	69-70	28,29,250
2.	M/s Rai Bahadur Bansi Lal, Abirchand, Nagpur.	R.F.	69-70	17,21,030

[No. Recy-1/72-73]

V. J. KARNIK,  
Commissioner

नई दिल्ली, 4 मई, 1973

क्र. आ. 1383.—स्वर्ण (नियंत्रण) अधिनियम, 1968 (1968 का 45) की धारा 4 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं एम. ए. रंगास्वामी, प्रशासक, निवेश वेंग हूँ कि भारत सरकार के वित्त मंत्रालय (राजस्व और बीमा विभाग) की अधिसूचना सं. का. आ. 4304 तारीख 2 दिसम्बर, 1968 में निम्नलिखित और संशोधन किया जाएगा, अर्थात् :—

उक्त अधिसूचना में सारणी में क्रम सं. 10 के सामने स्तम्भ सं. 2 में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“केन्द्रीय उत्पाद-शुल्क कलक्टर/केन्द्रीय उत्पाद-शुल्क उप-कलक्टर/सीमा-शुल्क अपर कलक्टर।”

[सं. फा. 2/3/70-स्वर्ण नि. 2]

एम. ए. रंगास्वामी, स्वर्ण नियंत्रण प्रशासक।

New Delhi, the 4th May, 1973

S.O. 1383.—In exercise of the powers conferred by sub-section (4) of section 4 of the Gold (Control) Act, 1968 (45 of 1968), I, M.A. Rangaswamy, the Administrator, hereby direct that the following further amendment shall be made in the notification of the Government of India, in the Ministry of Finance (Department of Revenue and Insurance) No. S.O. 4304, dated the 2nd December, 1968, namely:—

In the said notification, in the Table, for the entry in column 2 against serial number 10, the following entry shall be substituted, namely:—

“Collector of Central Excise/Deputy Collector of Central Excise/Additional Collector of Customs”.

[No. F. 2/3/70-GC. II]

M. A. RANGASWAMY, Gold Control Administrator

नई दिल्ली, 19 मई, 1973

### सीमा-शुल्क

क्र. आ. 1384.—सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (ख) और (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के वित्त मंत्रालय (राजस्व और बीमा विभाग) की अधिसूचना सं. 67-सीमाशुल्क, तारीख 20 मई, 1972 में निम्नलिखित और संशोधन करती है अर्थात्:—

उक्त अधिसूचना से संलग्न सारणी में क्रम सं. 19 के सामने मार्ग से संबंधित स्तम्भ 3 में “भीमनगर और नेपाल में अन्तावाही के जोड़नेवाली सड़क” शब्दों के स्थान पर, “भीमनगर और नेपाल में सेतुबद्ध भंसार अट्ठा के जोड़ने वाली सड़क”, शब्द रखे जाएंगे।

[सं. 70/फ. सं. 552/167/72-एल. सी. 1 (भाग-1)]

New Delhi, the 19th May, 1973

### CUSTOMS

S.O. 1384.—In exercise of the powers conferred by clauses (b) and (c) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. 67-Customs, dated the 20th May, 1972, namely:—

In the Table appended to the said notification, against serial number 19, in column 3 relating to routes, for the words “Road connecting Bhimnagar, and Bhandawari in Nepal”, the words “Road connecting Bhimnagar and Setubandh Bhansar Adda in Nepal”, shall be substituted.

[No. 70/F. No. 552/167/72-L.C.-I (Pt.-I)]

क्र. आ. 1385.—सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों और उसे समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भूतपूर्व केन्द्रीय राजस्व बोर्ड की अधिसूचना सं. 69-सीमाशुल्क, तारीख 2 जुलाई, 1960 को विरुद्ध करती है।

[सं. 71/फ. सं. 14/8/70-एल. सी. 2]

S.O. 1385.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962), and of all other powers hereunto enabling the Central Government hereby rescinds the notification of the late Central Board of Revenue No. 69-Customs, dated the 2nd July, 1960.

[No. 71/F. No. 14/8/70-LC II]

क्र. आ. 1386.—सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार,—

(1) महाराष्ट्र राज्य में रेडी पत्तन को नियतित है, केवल लौह अयस्क को लादने के लिए सीमाशुल्क पत्तन के रूप में,

(2) महाराष्ट्र राज्य में रत्नागिरी पत्तन को नियतित है, जमाए हुए श्रिम्पों और मछलियों की टांगों को लादने के लिए सीमाशुल्क पत्तन के रूप में,

नियुक्त करती है।

[सं. 72/फ. सं. 14/8/70-एल. सी. 2]

S.O. 1386.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints,

(i) the port of Redi in the State of Maharashtra, to be a customs port only for the loading of iron ore for export;

(ii) the port of Ratnagiri in the State of Maharashtra, to be a customs port for the loading of frozen shrimps and frog legs for export.

[No. 72/F. No. 14/8/70-LC II]

क्र. आ. 1387.—सीमाशुल्क अधिनियम, 1962 (1962 का 52)

की धारा 7 के खण्ड (ब) द्वारा प्रदत्त शक्तियों और उसे समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, हमारे उवाच अनुसूची में विनिर्दिष्ट महाराष्ट्र राज्य में स्थित पत्तनों को, भारत में सभी पत्तनों के साथ तटीय माल का व्यापार करने के लिये तटीय पत्तनों के रूप में नियुक्त करती है।

### अनुसूची

#### मुम्बई केन्द्रीय उत्पाद-शुल्क कलक्टर

क्रम पत्तन का नाम सं०	क्रम पत्तन का नाम सं०
1. बाल	7. मांडवा
2. प्रलीबाग	8. करंजा
3. तन्वगांव	9. उल्हा
4. मुरुव	10. बोरलाई-मांडवा
5. राजपुरी	11. श्रीवर्धन
6. कुंभारू	12. रेवडाडा

1	2
13. भिवण्डी	22. मन्पति
14. मोरा	23. नवापुर
15. बसैन	24. बहानु
16. बेलापुर	25. उत्तन
17. धाना	26. तारापुर
18. बलयाण	27. बरसोदा
19. धरनाला	28. दाम्बे
20. वण्टीबाड़ा	29. मनोरी
21. केल्वा	30. बान्द्रा

## पूना केन्द्रीय उत्पाद-शुल्क कलेक्टर

31. बांकोट	41. जैतपुर
32. केल्शी	42. विजयदुर्ग
33. हरनाई	43. वेवगढ़
34. दभोल	44. अक्षरा
35. पालशेट	45. मानवान
36. बोरया	46. वेनुर्ला
37. जैगाद	47. निवती
38. चारावदा	48. रेडी
39. रत्नागिरि	49. किरणपणि
40. पुरंगव	

[सं० 73-फं० सं० 14/5/70-एल.सी-2]

**S.O. 1387.**—In exercise of the powers conferred by clause (d) of section 7 of the Customs Act, 1962 (52 of 1962) and all other powers hereunto enabling, the Central Government hereby appoints the ports situated in the State of Maharashtra specified in the Schedule annexed hereto to be coastal ports for carrying on trade in coastal goods with all ports in India.

## SCHEDULE

## Bombay Central Excise Collectorate.

S. No.	NAME OF PORT	S. No.	NAME OF PORT
(1)	(2)	(1)	(2)
1. Thal.		16. Belapur.	
2. Alibag.		17. Thana.	
3. Nandgaon.		18. Kalyan.	
4. Murad.		19. Arnala.	
5. Rajpuri.		20. Dantiwara.	
6. Kumbharu.		21. Kelwa.	
7. Mandwa.		22. Satpati.	
8. Karanja.		23. Nawapur.	
9. Ulwa.		24. Dahanu.	
10. Borlai-Mandla.		25. Uttan.	
11. Shriwardhan.		26. Tarapur.	
12. Revdanda.		27. Versova.	
13. Bhiwandi.		28. Trombay.	
14. Mora.		29. Manori.	
15. Bassein.		30. Bandra.	

## Poona Central Excise Collectorate

31. Bankot.	41. Jaitapur.
32. Kelshi.	42. Vijaydurg.
33. Harnai.	43. Deogad.
34. Dabhol.	44. Achra.
35. Palshet.	45. Malvan.
36. Borya.	46. Ve gurla.
37. Jaigad.	47. Nivti.
38. Varavda.	48. Redi.
39. Ratnagiri.	49. Kiranpani.
40. Purangad.	

[No. F. No. 73/14/8/70-LCIII]  
(K. SANKARARAMAN)

Under Sec

**क्र. आ. 1388.**—सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, गुजरात राज्य में निम्नलिखित पत्तनों को निर्यात वाले माल को लाने और आयातित माल को उतारने के लिए सीमाशुल्क पत्तन के रूप में नियुक्त करती हैं:—

1. कोलक
2. कलाई
3. मरोली
4. उम्बरगांव ।

[सं. 74/फ. सं. 14/8/70-एल. सी. 2]

**S.O. 1388.**—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962) the Central Government hereby appoints the following ports in the State of Gujarat to be Customs ports for the loading of export goods and unloading of imported goods:—

1. Kolak.
2. Kalai.
3. Maroli.
4. Umbergaon

[No. 74/F. No. 14/8/70-LC II]

**क्र. आ. 1389.**—सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (घ) द्वारा प्रदत्त शक्तियों और उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, मैसूर राज्य में इससे उपाबद्ध अनुसूची में विनिर्दिष्ट पत्तनों को भारत में सभी पत्तनों के साथ तटीय माल का व्यापार करने के लिए तटीय पत्तनों के रूप में विनिर्दिष्ट करती हैं ।

## अनुसूची

1. बेलेकरी ।
2. करवाड़ (सदाशिवगांव को सम्मिलित करते हुए) ।
3. कण्डापुर (गांगुली) ।
4. माल्पे
5. हंगरकत्ता ।
6. बिंगी ।
7. चौविथा (कोडार उप-पत्तन को सम्मिलित करते हुए) ।
8. माजाली ।
9. होनावार ।
10. टादरी ।
11. भटकल ।
12. मुद्दबेर ।

[सं. 75/फ. सं. 14/8/70-एल. सी. 2]

**S.O. 1389.**—In exercise of the powers conferred by clause (d) of section 7 of the Customs Act, 1962 (52 of 1962) and of all other powers hereunto enabling the Central Government hereby appoints the ports specified in the Schedule annexed hereto in the State of Mysore to be coastal ports for carrying on of trade in coastal goods with all ports in India.

## SCHEDULE

1. Belekeri.
2. Karwar (Including Sadashivagad).
3. Coondapur (Ganguly).
4. Malpe.
5. Hangarakatta.
6. Bingi.

7. Chendiya. (including Kodar sub-port).
8. Majall.
9. Honawar.
10. Tadri.
11. Bhatkal.
12. Murdeshwar.

[No. 75/F. No. 14/8/70-LC II]

क्र० आ० 1390.—सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, मैसूर राज्य में निम्नलिखित पत्तनों को प्रत्येक के सामने दर्शित किये गए प्रयोजन के लिये सीमाशुल्क पत्तन नियुक्त करती है, अर्थात् :—

पत्तन	प्रयोजन
1. मंगलौर	समस्त आयातित माल को उतारने और समस्त निर्यात वाले माल को लाने के लिये।
2. बेलेकेरी	लोह और मैंगनीज अयस्क को लाने के लिये।
3. कारवाड़ (सदाशिवगढ़ को सम्मिलित करते हुए)	उर्वरक और खाद्यान्न को उतारने और लौह तथा मैंगनीज अयस्क, मछली उत्पाद, औद्योगिक सामग्रियाँ, विस्फोटक और काष्ठ को लाने के लिये।
4. कृष्णापुर (गंगुली)	लोह और मैंगनीज अयस्क लाने के लिए
5. माल्वे	केवल लोह और मैंगनीज अयस्क, मछली और मछली उत्पाद को लाने के लिये।

[सं० 76/फा० सं० 14/8/70-एल० सी०-2]

S.O. 1390.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962) the Central Government hereby appoints the following ports in the State of Mysore to be Customs ports for the purpose shown against each, namely:—

Port	Purpose
1. Mangalore	For unloading of all imported goods and loading of all export goods.
2. Belakeri	For loading of iron and manganese ore.
3. Karwar (Including Sadashivagad).	For unloading of fertiliser and food grains and loading of iron and Manganese ore, fish products industrial materials, explosives and timber.
4. Goondapur (Ganguly)	For loading of iron and manganese ore.
5. Malpe	Only for loading of Iron and Manganese ore, fish and fish products.

[No. 76/F.No. 14/8/70-LCII]

क्र. आ. 1391.—सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतत्पूर्व केन्द्रीय राजस्व बोर्ड की अधिसूचना सं. 42-सीमाशुल्क, तारीख 7 मई, 1960 के अधिष्ठापित करते हुए, केन्द्रीय सरकार, आंध्र प्रदेश राज्य में स्थित निम्नलिखित स्थानों को, माल को पोत पर लाने और उससे उतारने के लिए पत्तन नियुक्त करती है, अर्थात्:—

1. विशाखापत्तनम
2. काकीनाडा
3. मसूलीपत्तनम

[सं. 77/फा. सं. 14/8/70-एल सी. 2 (भाग 4)]

S.O. 1391.—In exercise of the powers conferred by clause (a) of section 7, of the Customs Act, 1962 (52 of 1962) and in supersession of notification of the Government of India in the late Central Board of Revenue No. 42-Cus. dated the 7th May, 1969, the Central Government hereby appoints the following places, situated in the State of Andhra Pradesh, to be ports for the shipment and landing of goods, namely:

1. Visakhapatnam.
2. Kakinada.
3. Masulipatnam.

[No. 77/F. No. 14/8/70-LC II (Pt. IV)]

क्र. आ. 1392.—सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (घ) द्वारा प्रदत्त शक्तियों और उसे समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इससे उपाबद्ध अनुसूची में विनिर्दिष्ट आंध्र प्रदेश राज्य में स्थित पत्तनों को, भारत में सभी पत्तनों के साथ तटीय माल का व्यापार करने के लिए तटीय पत्तन नियुक्त करती है।

## अनुसूची

भीमूनिपत्तनम  
कलिंगापत्तनम  
वाडरेवू

[सं. 78/फा. सं. 14/8/70-एल. सी. 2 (भाग 4)]

S.O. 1392.—In exercise of the powers conferred by clause (d) of section 7 of the Customs Act, 1962 (52 of 1962) and of all other powers enabling hereunto the Central Government hereby appoints the ports situated in the State of Andhra Pradesh specified in the Schedule annexed hereto to be coastal ports for carrying on of trade in coastal goods with all ports in India.

## SCHEDULE

Bheemunipatnam.  
Calingapatnam.  
Vadarevu.

[No. 78/F. No. 14/8/70-LC II (Pt. IV)]

क्र. आ. 1393.—सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों और इस बारे में उसे समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारत सरकार के भूतत्पूर्व केन्द्रीय राजस्व बोर्ड की अधिसूचना सं. 85-सीमाशुल्क, तारीख 9 सितम्बर, 1950 को एतद्वारा विखण्डित करती है।

[सं. 79/फा. सं. 14/8/70-एल. सी. 2 (भाग 5)]

S.O. 1393.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962) and of all other powers hereunto enabling, the Central Government hereby rescinds the notification of the Govt. of India in the late Central Board of Revenue No. 85-Customs dated the 9th September, 1950.

[No. 79/F. No. 14/8/70-LC II (Pt. V)]

(केन्द्रीय उत्पादशुल्क और सीमाशुल्क बोर्ड)

## सीमाशुल्क

क्र. आ. 1394.—उत्पादशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय उत्पादशुल्क और सीमाशुल्क बोर्ड, हुगली जिला में बंसबेरिया को भाण्डागारण केन्द्र के रूप में घोषित करता है।

[सं. 80/73-सीमाशुल्क/फा. सं. 473/1/73-सीमाशुल्क 7]

(Central Board of Excise and Customs)

## CUSTOMS

S.O. 1394.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares BANSBERIA in the district of Hooghly as a warehousing station.

[No. 69/73-Customs/F. No. 473/1/73-Cus. VII]

## आवृत्ति

क्र. आ. 1395.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2 की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उस शुल्क से, जो केरल राज्य आवासन बोर्ड द्वारा जारी किए जाने वाले एक करोड़ रुपये के मूल्य के बन्धपत्रों पर उक्त अधिनियम के अधीन प्रभार्य छूट देती है।

[सं. 20/73-स्टाम्प/प्र. सं. 471/19/73-सीमा-शुल्क 7]  
के. शंकररामन, अवसर सचिव

## ORDER

S.O. 1395.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds of the value of one crore of rupees, to be issued by the Kerala State Housing Board, are chargeable under the said Act.

[No. 20/73-Stamp/F. No. 471/19/73-Cus. VII]  
K. SANKARARAMAN, Under Secy.

## बैंकिंग विभाग

नई दिल्ली, 5 मई, 1973

क्र. आ. 1396.—कृषि पुनर्वित्त निगम अधिनियम 1963 (1963 का दूसरा) के खण्ड 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त निगम द्वारा जारी किए जाने वाले 5 करोड़ रुपये (तीसरी श्रृंखला) की अतिरिक्त शेयर पूंजी पर, उक्त सरकार द्वारा गारंटी-शुद्ध लाभान्श की न्यूनतम दर, एतद्वारा 4½ प्रतिशत निर्धारित करती है।

[सं. एफ. 14-23/73-ए. सी.]  
एल. डी. कटारिया, उप-सचिव

## DEPARTMENT OF BANKING

New Delhi, the 5th May, 1973

S.O. 1396.—In exercise of the powers conferred by Section 6 of The Agricultural Refinance Corporation Act, 1963 (10 of 1963), the Central Government hereby fixes the minimum rate of annual dividend guaranteed by that Government on the additional share capital of Rupees Five Crores (Third series) to be issued by the Agricultural Refinance Corporation at four and half per cent.

[No. F. 14-23/73-AC]  
L. D. KATARIA, Dy. Secy.

## रिजर्व बैंक ऑफ इंडिया

## इशू विभाग

नई दिल्ली, 8 मई, 1973

क्र. आ. 1397.—रिजर्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसूचन में अप्रैल 1973 की 27 तारीख को समाप्त हुए सप्ताह के लिए लेखा

वेयताएं	रुपये	रुपये	प्राप्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए नोट	45,65,91,000		सोने का सिक्का और बुलियन :		
			(क) भारत में रखा हुआ	182,53,11,000	
संचालन में नोट	55,10,87,46,000		(ख) भारत के बाहर रखा हुआ	..	
			विदेशी प्रतिभूतियां	1,71,65,38,000	
जारी किये गये कुल नोट	55,56,53,37,000		जोड़	3,54,18,49,000	
			रुपये का सिक्का	2,98,62,000	
			भारत सरकार की रुपया प्रति-		
			भूतिया देशी विनिमय बिल		
			और दूसरे	51,99,36,26,000	
			वाणिज्य-पत्र	..	
कुल वेयताएं	55,56,53,37,000		कुल प्राप्तियां	55,56,53,37,000	

तारीख 2 मई, 1973

एस० जगन्नाथन, गवर्नर

## 27 अप्रैल 1973 को रिजर्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण

व्ययताएं	रुपये	आस्तियां	रुपये
चुक्ता पूंजी . . . . .	5,00,00,000	नोट . . . . .	45,65,91,000
प्रारक्षित निधि . . . . .	1,50,00,00,000	रुपये का सिक्का . . . . .	4,29,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि . . . . .	2,09,00,00,000	छोटा सिक्का . . . . .	4,11,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि . . . . .	45,00,00,000	खरीदे और भुनाये गये बिल	
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि . . . . .	1,75,00,00,000	(क) देशी . . . . .	19,83,20,000
जमा राशियां :		(ख) विदेशी . . . . .	..
(क) सरकारी		(ग) सरकारी खजाना बिल . . . . .	2,75,55,44,000
(i) केन्द्रीय सरकार . . . . .	54,80,36,000	विदेशों में रखा हुआ ऋण*	2,21,82,21,000
(ii) राज्य सरकारें . . . . .	12,67,04,000	निवेश** . . . . .	3,75,54,50,000
(ख) बैंक		ऋण और अधिम	
(i) अनुसूचित बाणिज्य बैंक . . . . .	3,20,54,08,000	(i) केन्द्रीय सरकार को . . . . .	..
(ii) अनुसूचित राज्य सहकारी बैंक . . . . .	13,89,51,000	(ii) राज्य सरकारों को† . . . . .	1,14,36,30,000
(iii) गैर अनुसूचित राज्य सहकारी बैंक . . . . .	1,15,33,000	ऋण और अधिम	
(iv) अन्य बैंक . . . . .	60,12,000	(i) अनुसूचित बाणिज्य बैंकों को† . . . . .	24,28,40,000
		(ii) राज्य सहकारी बैंकों को†† . . . . .	2,27,60,12,000
		(iii) दूसरों को . . . . .	4,13,57,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण, अधिम और निवेश	
		(क) ऋण और अधिम :—	
		(i) राज्य सरकारों को . . . . .	65,51,65,000
		(ii) राज्य सहकारी बैंकों को . . . . .	21,18,40,000
		(iii) केन्द्रीय भूमिबन्धक बैंकों को . . . . .	..
		(iv) कृषि पुनर्वित्त निगम को . . . . .	29,70,00,000
(ग) अन्य . . . . .	79,72,66,000	(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश . . . . .	11,24,73,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अधिम	
देय बिल . . . . .	99,39,36,000	राज्य सहकारी बैंकों को ऋण और अधिम . . . . .	27,07,48,000
अन्य देयताएं . . . . .	4,48,19,52,000	राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण और अधिम और निवेश	
		(क) विकास बैंक को ऋण और अधिम . . . . .	95,09,36,000
		(ख) विकास बैंक द्वारा जारी किए गये बांडों/डिबेंचरों में निवेश . . . . .	..
		अन्य अस्तित्वां . . . . .	56,28,31,000
रुपये . . . . .	16,14,97,98,000	रुपये . . . . .	16,14,97,98,000

\*नकदी, प्रावधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

\*\*राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि में से किये गये निवेश शामिल नहीं हैं।

†राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त ऋण और अधिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये अस्थायी ओवरड्राफ्ट शामिल हैं।

‡ रिजर्व बैंक ऑफ इंडिया अधिनियम की धारा 17(4)(ग) के अधीन अनुसूचित बाणिज्य बैंकों को मियादी बिलों पर अधिम दिये गये 1,30,00,000 रुपये शामिल हैं।

†† राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अधिम शामिल नहीं हैं।

तारीख 2 मई 1973

एस० जगन्नाथन, गवर्नर  
[सं० फा० 1(1)/73 बी०ओ०-1]  
च० व० मीरबख्शी, अवर सचिव



## RESERVE BANK OF INDIA

New Delhi, the 8th May, 1973

S. O. 1397.—An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 27th day of April, 1973

## ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department . . . . .	45,65,91,000		Gold Coin and Bullion:		
Notes in circulation . . . . .	5510,87,46,000		(a) Held in India . . . . .	182,53,11,000	
Total Notes issued . . . . .		5556,53,37,000	(b) Held outside India . . . . .		
			Foreign Securities . . . . .	171,65,38,000	
			TOTAL . . . . .		354,18,49,000
			Rupee Coin . . . . .		2,98,62,000
			Government of India Rupee Securities . . . . .		5199,36,26,000
			Internal Bills of Exchange and other commercial Paper . . . . .		
Total Liabilities . . . . .		5556,53,37,000	Total Assets . . . . .		5556,53,37,000
Dated the 2nd day of May, 1973		C. W. MIRCHANDANI		S. JAGANNATHAN, Governor	

## Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 27th April, 1973

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . . . .	5,00,00,000	Notes . . . . .	45,65,91,000
Reserve Fund . . . . .	150,00,00,000	Rupee Coin . . . . .	4,29,000
National Agricultural Credit (Long Term Operations) Fund . . . . .	209,00,00,000	Small Coin . . . . .	4,11,000
National Agricultural Credit (Stabilisation) Fund . . . . .	45,00,00,000	Bills Purchased and Discounted:—	
National Industrial Credit (Long Term Operations) Fund . . . . .	175,00,00,000	(a) Internal . . . . .	19,83,20,000
Deposits:—		(b) External . . . . .	
(a) Government . . . . .		(c) Government Treasury Bills . . . . .	275,55,44,000
(i) Central Government . . . . .	54,80,36,000	Balances Held Abroad* . . . . .	221,82,21,000
(ii) State Governments . . . . .	12,67,04,000	Investments** . . . . .	375,54,50,000
(b) Banks . . . . .		Loans and Advances to:—	
(i) Scheduled Commercial Banks . . . . .	320,54,08,000	(i) Central Government . . . . .	
(ii) Scheduled State Co-operative Banks . . . . .	13,89,51,000	(ii) State Governments@ . . . . .	114,36,30,000
(iii) Non-Scheduled State Co-operative Banks . . . . .	1,15,33,000	Loans and Advances to:—	
(iv) Other Banks . . . . .	60,12,000	(i) Scheduled Commercial Banks† . . . . .	24,28,40,000
		(ii) State Co-operative Banks‡ . . . . .	227,60,12,000
		(iii) Others . . . . .	4,13,57,000
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund . . . . .	
		(a) Loans and Advances to:—	
		(i) State Governments . . . . .	65,51,65,000
		(ii) State Co-operative Banks . . . . .	21,18,40,000
		(iii) Central Land Mortgage Banks . . . . .	
		(iv) Agricultural Refinance Corporation . . . . .	29,70,00,000
		(b) Investment in Central Land Mortgage Bank Debentures . . . . .	11,24,73,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund . . . . .	
		Loans and Advances to State Co-operative Banks . . . . .	27,07,48,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund . . . . .	
(c) Others . . . . .	79,72,66,000	(a) Loans and Advances to the Development Bank . . . . .	95,09,36,000
Bills Payable . . . . .	99,39,36,000	(b) Investment in bonds/debentures issued by the Development Bank . . . . .	
Other Liabilities . . . . .	448,19,52,000	Other Assets . . . . .	56,28,31,000
Rupees . . . . .	1614,97,98,000	Rupees . . . . .	1614,97,98,000

\*Includes Cash, Fixed Deposits and Short-term Securities.

\*\*Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 1,30,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 2nd day of May, 1973

S. JAGANNATHAN, Governor

[No. F. 1 (1)/73-B. O. II]

C. W. MIRCHANDANI Under Secy.

नई दिल्ली, 8 मई, 1973

का. आ. 1398.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का वसवा) की धारा 56 के साथ पठित धारा 53 के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषित करती है कि उपर्युक्त अधिनियम की धारा 24 के उपबंध, महाराष्ट्र स्टेट को-ऑपरेटिव बैंक लि. पर 30 जून, 1974 तक नहीं लागू होंगे, जहाँ तक कि इन उपबन्धों में उक्त बैंक से यह अपेक्षा की गयी है कि वह नकदी, सोने या भारमुक्त स्वीकृत प्रतिभूतियों के रूप में, जिनका मूल्यांकन चालू बाजार मूल्य से अधिक पर न किया गया हो, एक रकम रखे, जो भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का दूसरा) की धारा 42 के अन्तर्गत उक्त बैंक द्वारा भारतीय रिजर्व बैंक में रखी जाने वाली तीन प्रतिशत की न्यूनतम शेष रकम के अतिरिक्त हो और वह रकम महाराष्ट्र स्टेट को-ऑपरेटिव मार्केटिंग फेडरेशन लिमिटेड, बम्बई के जरिए महाराष्ट्र सरकार द्वारा कपास की एकाधिकर बस्ती योजना के अन्तर्गत फाटन तथा कपास के वित्तपोषण के प्रयोजन के लिये, देना बैंक, बैंक आफ इण्डिया और सेंट्रल बैंक आफ इण्डिया द्वारा उक्त बैंक के सम्बन्ध में निर्धारित की गयी ऋण सीमाओं के एवज में, उन से कम लिए गये ऋणों की बचत राकम के संबंध में किसी भी दिन कारोबार समाप्त होने के समय, भारत में उसकी कुल मांग तथा सावधिक देनदारियों के 25 प्रतिशत से कम नहीं होगी।

[सं. एफ. 8/3/73-ए. सी.]

ए. के. दत्त, संयुक्त सचिव

New Delhi, the 8th May, 1973

S.O. 1398.—In exercise of the powers conferred by section 53, read with section 56, of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 24 of the said Act shall not apply to the Maharashtra State Co-operative Bank Limited up to the 30th day of June, 1974, in so far as the said provisions require the said Bank to maintain in cash, gold or unencumbered approved securities, valued at a price not exceeding the current market price, an amount which, exclusive of the minimum balance of three per cent required to be maintained by the said Bank with the Reserve Bank of India under section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), shall not at the close of business on any day be less than 25 per cent of the total of its demand and time liabilities in India in respect of its outstandings under borrowings against the credit limits sanctioned to the said Bank by Dena Bank, Bank of India and Central Bank of India for the purpose of financing the marketing of cotton and kapas under the scheme of the monopoly procurement of cotton by the Government of Maharashtra through the Maharashtra State Co-operative Marketing Federation Limited, Bombay.

[No. F. 8/3/73-AC]

A. K. DUTT, Jt. Secy.

(Department of Expenditure)

New Delhi, the 30th April, 1973

S.O. 1399.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to the persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Leave) Rules, 1972, namely:—

1. (1) These may be called the Central Civil Services (Leave) (Amendment) Rules, 1973.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Leave) Rules, 1972 (hereinafter referred to as the said rules), in clause (g) of sub-rule (1) of rule 3, the following shall be inserted at the end, namely:—

"or the Consolidated Fund of a Union territory".

3. In the said rules, for the Note below rule 15, the following shall be substituted, namely:—

"NOTE:—In the case of gazetted Government servants whose pay and allowances are drawn and disbursed by the Head of office, the leave account shall be maintained by that Head of office".

4. In the said rules, in the First Schedule, in column 3 against Serial No. 1,—

(i) the existing entry (v) shall be re-numbered as entry (vi), and before the entry so re-numbered, the following entry shall be inserted, namely:—

"(v) Any other authority which is the appointing authority".

(ii) in the entry so re-numbered, for the existing word and figures "(i) to (iv)", the word and figures "(i) to (v)", shall be substituted.

5. In the said rules, in the Second Schedule,—

(i) in Form 7, in paragraph 4, and in Form 8, in paragraph 5, for the words "in the event of my resigning or retiring from service", the words "in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service", shall be substituted.

(ii) in Form 9, in paragraph 5, and in Form 10, in paragraph 6, for the words "in the event of the obliger Shri/Shrimati/Kumari..... resigning from service", the words "in the event of the obliger Shri/Shrimati/Kumari..... failing to resume duty, or resigning from service or otherwise quitting service", shall be substituted.

[No. 4(7)-E. IV(A)/72]

C. F. CHEREATH, Under Secy.

केन्द्रीय उत्पाद तथा सीमा शुल्क समन्वयक

बम्बई, 21 मार्च, 1973

केन्द्रीय उत्पाद शुल्क

का० प्रा० 1400.—1944 की केन्द्रीय उत्पाद शुल्क नियमावली के नियम 173-एच के अधीन प्रवृत्त शक्तियों का प्रयोग करते हुए, मैं एतद्वारा दिनांक 3 नवम्बर, 1969 को इस समन्वयक की अधिसूचना सं० सी० ई० आर०-173-एच/1/69, में निम्नलिखित संशोधन करता हूँ:—

(i) खण्ड डी के उपखण्ड (3) में अर्थात् निर्माण विधि, डिजाइन के अध्ययन, या परीक्षण आदि के लिये कारखाने में लाई गई वस्तुएँ, इसके प्रथम वाक्य के अन्त में, संलग्न प्रारूप में दिये गए शब्द और जोड़ दिये जाएंगे।

(ii) खण्ड (डी) के उपखण्ड (3) अर्थात् निर्माण विधि, डिजाइन के अध्ययन व परीक्षण के लिये लाई गई वस्तुओं के बाव, निम्नलिखित उप-खण्ड, उपखण्ड (4) के रूप में जोड़ दिया जाएगा। अर्थात्—

(4) परीक्षण के बाद सभी प्रकार के नमूनों की निकासी, इस उद्देश्य के हेतु रखे गए पृथक् कम वाले द्वार पत्रों के अधीन की जाएगी और प्रत्येक द्वार पत्र के ऊपरी भाग पर "परीक्षण व डिजाइन का अध्ययन करने के बाद शुल्क प्रवृत्त वस्तुओं का पुनर्निर्माण" विशेष रूप से लिखा हुआ होगा।

(iii) कारखाने के परिसरों में प्राप्त/रोकी गई शुल्क प्रयत्न वस्तुओं की घोषणा के प्राप्ति के बाद कारखाने में परीक्षण प्रयोजना के लिये लाई गई उत्पाद शुल्क योग्य के लेखों का प्रपत्र और जोड़ दिया जाएगा।

सं०सी०ई०आर/173-एच/1/73

डी-3 निर्धारित प्रपत्र में वस्तुओं की सूचना की तिथि व संख्या	अभिनिर्माता के हस्ताक्षर	निर्गमन शा०पत्र-आदि दस्तावेज की तिथि व संख्या	परीक्षण के बाद वापस की गई वस्तु की मात्रा एल० एम० वर्गमील
7	8	9	10

निर्माण विधि, डिजाइन अध्ययन व परीक्षण के लिये, कारखाने में लाए गए शुल्क प्रयत्न उत्पाद-शुल्क योग्य वस्तुओं के नमूनों का लेखा

क्रम सं०	तिथि	प्राप्ति	वस्तुओं का ब्यौरे- बार वर्णन तथा इन वस्तुओं की प्राप्ति पर मिल वस्तुएं प्राप्त हुई	बीजक/विल- इत्यादि दस्ता- वेजों का विवरण	मात्रा एल०एम० वर्गमील
1	2	3	4	5	6

उम पार्टी का नाम व पता जिसे ये वस्तुएं वापस की गई है	अभिनिर्माणकर्ता के हस्ताक्षर	अभिनिर्माता
11	12	13

वी० एस० चावला, समाहर्ता

### COLLECTORATE OF CUSTOMS AND CENTRAL EXCISES

Bombay, the 21st March, 1973

#### CENTREL EXCISE

S.O. 1400.—In exercise of the powers conferred on me under Rule 173H of the Central Excise Rules, 1944, I hereby order amendment to the procedures mentioned in 'Annexure A' to Collectorate Notification No. CER. 173H/1/69 dated 3rd November, 1969, as under :—

- (i) In sub-clause (3) of Clause D—viz. goods brought into the factory for test or for studying designs or method of construction etc, the words "in the form enclosed" shall be added at the end of the first sentence thereof.
- (ii) After Sub-clause (3) of clause (D) viz. goods brought into the factory for test or for studying designs or method of construction etc. the following sub-clause shall be added as sub-clause (4) viz.
  - (4) All removals of samples after study shall take place under separate series of gate-passes maintained for the purpose and each gate-pass shall carry at the top a remark viz. "Reissue of duty paid goods after test/studying designs etc."
- (iii) After the form of declaration of receipt of/retained in of duty paid excisable goods in the factory premises, a form of account of samples of duty paid excisable goods brought for test etc, shall be added.

Accounts of Samples of Duty Paid Excisable Goods brought into the Factory for Test or for Studying Designs for Method of Construction etc.

#### RECEIPTS

S. No.	Date	Name and full address of party from whom the goods were received.	Detail description of the goods with identification mark assigned by the Mills on receipt.	Particulars of covering documents such as Invoice/bill.	Quantity L.M. Sq. M.	No. & date of intimation of the goods in the prescribed form i.e. D.3.	Signature of the manufacturer.
1	2	3	4	5	6	7	8

#### ISSUES

No. & date of documents i.e. G.P.1.	Quantity returned after test etc. L.M. Sq. M.	Name and full address of the party to whom the goods returned.	Signature of the manufacturer.	Remarks.
9	10	11	12	13

[No. CER/173-H/1/73]  
B. S. CHAWLA, Collector

मद्रास, 31 मार्च, 1973

## केंद्रीय उत्पाद शुल्क

का. आ. 1401.—1944 की केंद्रीय उत्पाद शुल्क नियमावली के 233 नियम के अधीन प्रदत्त शक्तियाँ का प्रयोग करते हुए, अधोहस्ताक्षरी, इस समाहर्ता कार्यालय के मासिक के अभिनिर्माताओं को अपने-अपने कारखाने में मासिक के निर्माण में प्रयोग की जाने वाली खपच्ची, मोम, वीनर, पोटैशियम क्लोरेट तथा

सल्फर और कच्ची सामग्रियों के सम्बंध में संलग्न प्रारूप में दैनिक लेखा रखने का निर्देश देता हूँ। 1944 की केंद्रीय उत्पाद शुल्क नियमावली के 55वें नियम के अधीन ऐसे निर्माता, उक्त सामग्री की तिमाही विवरणी आर. टी.-5 प्रपत्र में तिमाही समाप्त होने पर अगले महीने की 10 तारीख तक, केंद्रीय उत्पाद शुल्क के क्षेत्र अधिकारी के सम्मुख प्रस्तुत करेंगे तथा इसकी प्रतियाँ सम्बंधित सहायक समाहर्ता, केंद्रीय उत्पाद शुल्क को भी प्रेषित की जाएंगी।

मासिक के अभिनिर्माताओं द्वारा रखा जाने वाला कच्ची सामग्री का लेखा

कारखाने का नाम व पता, कच्ची सामग्री का अभिवर्णन

तिथि	प्रादेशिक	बीजक की सं० व तिथि	प्रेषक का नाम	प्राप्त की गई मात्रा 1	जोड़	उत्पादन शुल्क अन्य वस्तुओं योग्य वस्तु मासिक के अभिनिर्मा में प्रयुक्त मात्रा	अन्य वस्तुओं
1	2	3	4	5	6	7	8
अन्यथा निपटाई गई मात्रा निपटान का स्व-मात्रा जो बेकार अन्त शेष अभिनिर्मित शुल्क अभिनिर्मित अन्य अभ्युक्तियाँ निधिरिती या							
		रूप मात्रा	या नष्ट कर दी गई	योग्य वस्तुओं की मात्रा	वस्तुओं की मात्रा	असके अभि-कर्ता के हस्ताक्षर	
9	10	11	12	13	14	15	16

पूरे मास का योग :

नोट :—प्रत्येक कच्ची सामग्री के लिए पृथक रजिस्टर रखा जाना चाहिए।

[सी.सं. 5/38/30/22/72-के. उत्पा.-1]

सी. चिदम्बरम्, समाहर्ता

Madras, the 31st March, 1973

## CENTRAL EXCISES

S.O. 1401.—In exercise of the powers vested under Rule 233 of the Central Excise Rules, 1944, the undersigned directs that the manufacturers of 'Matches' in this Collectorate, shall henceforth maintain a separate daily account of raw materials, namely, Splints and Veeners, Wax, Sulphur and

Potassium Chlorate used in the manufacture of matches in their factory, in the Form enclosed. Such manufacturers shall also furnish a Quarterly Return of the said raw materials in Form R. T. 5 under Rule 55 of the Central Excise Rules, 1944 by the 10th of the month following the Quarter, to the Central Excise Range Officer concerned with copies to the Assistant Collector of Central Excise, concerned.

## DAILY ACCOUNT OF RAW MATERIALS FOR THE MANUFACTURE OF MATCHES

Name and address of the Factory :

Description of Raw material :

Date	Opening Bal- ance	Invoice and date	No.	Name of Con- signor	Quantity re- ceived	Total	Quantity used in the Excisable goods	manufacture of : Other goods
1	2	3	4	5	6	7	8	
Quantity disposed of	otherwise Nature disposal	Quantity was- ted or destro- yed	Closing Bala- ance	Quantity of excisable goods Manu- factured.	Quantity of other goods manufactured	Remarks	Signature of the Assessee or his Agent	
9	10	11	12	13	14	15	16	

Total for the month :

NOTE : 1. Separate Registers should be maintained in respect of each raw material.

[C. No V/38/30/22/72-CX. II]  
C. CHIDAMBARAM, Collector

एना, 5 फरवरी, 1972

### केन्द्रीय उत्पादशुल्क

का. आ. 1402 [सं. के. उ. नि. 1/1972].—केन्द्रीय उत्पादशुल्क नियम 1944 के नियम 233 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए मैं यह आदेश देता हूँ कि 28/2/61 की अधिसूचना सं. के. उ. नि./3/1961 में निम्नलिखित और संशोधन किये जाए।

इस कार्यालय की संख्या 5 (क) 24-76/टी/65 के अधीन जारी की गई 19-8-1966 की अधिसूचना संख्या के. उ. नि. 17/66 द्वारा यथाप्रति-स्थापित अधिसूचना की मद (7) के स्थान पर निम्नलिखित प्रतिस्थापित कर दिया जाए।

“(VII) (1) जो थोक व्यापारी मद 4 1(5) (IV) के अधीन शुल्क देने पर निर्बाधत खड़ी पत्ती वाले तम्बाकू का अपने शुल्क दिये हुए परिसर में प्रसंस्करण करना चाहता है, उसे इसके साथ उगावध्व विहित प्रपत्र में यथाविधि हस्ताक्षरित अपना प्रार्थनापत्र तम्बाकू के प्रसंस्करण की अनुमति प्राप्त करने के लिए केन्द्रीय उत्पादशुल्क के सेक्टर अधिकारी के कार्यालय में कम से कम बारह घंटे पहले दे देना चाहिये।

(2) जब तक सेक्टर अधिकारी प्रार्थनापत्र की प्रति पर लिखित रूप से अनुमति नहीं दे देता, तब तक वह प्रसंस्करण का काम प्रारम्भ नहीं करेगा।

(3) लाइसेंसी प्रसंस्करण के बाद उपलब्ध होने वाला उत्पाद प्रसंस्करण के परिसर से तब तक अन्यत्र नहीं ले जाएगा, जब तक सेक्टर अधिकारी यथाविधि उसकी जांच करके उसे प्रमाणित नहीं कर देता। प्रसंस्करण का काम पूरा होने पर लाइसेंसी सेक्टर अधिकारी को प्रसंस्करण का काम पूरा होने की सूचना देगा और कुल प्रसंस्कृत तम्बाकू उसके सम्मुख जांच के लिए प्रस्तुत करेगा।

(4) जब कभी कोई लाइसेंसी पहले से ही प्रसंस्कृत किये जा रहे तम्बाकू में और तम्बाकू शामिल करना चाहे, तो वह सेक्टर अधिकारी को इस प्रकार की सूचना भेजेगा, और उसके आदेश मिलने पर सम्बद्ध अभिलेखों में उपयुक्त प्रविष्टियां करने के बाद ही प्रसंस्करण के लिए तम्बाकू लेगा। वह सेक्टर अधिकारी को सूचित करके उसके द्वारा आवश्यक समझे जाने पर प्रसंस्कृत तम्बाकू की कुछ खेप जांच के लिए प्रस्तुत करके प्रसंस्कृत तम्बाकू की उस खेप को प्रविष्टि पुस्तक-3 (इ. बी. 3) के खतों में भी ले सकेगा। प्रसंस्करण म्थल से इस प्रकार के आंशिक स्थानान्तरण की एक बार अनुमति मिल जाने के बाद प्रसंस्कृत किये जा रहे तम्बाकू में तम्बाकू की और मात्रा मिलाने की अनुमति नहीं दी जाएगी।

(5) सभी श्रेणियों के थोक व्यापारी जो शुल्क दिये हुए खड़ी पत्ती के तम्बाकू का प्रसंस्करण करते हैं, शुल्क दिये हुए तम्बाकू के उनके द्वारा किये गये प्रसंस्करण के संबंध में इसके साथ उगावध्व प्रपत्र में एक रजिस्टर भी रखेंगे। मांग की जाने पर यह रजिस्टर केन्द्रीय उत्पादशुल्क अधिकारी को प्रस्तुत किया जाएगा।

(6) किसी भी परिस्थिति में शुल्क दिये हुए एक ही परिसर में एक से अधिक प्रसंस्करण कार्य एक साथ चलाने की अनुमति नहीं दी जाएगी। चालू प्रसंस्करण कार्य पूरी तरह समाप्त करने के बाद, और तैयार पेंकेजों का हिसाब प्रविष्टि पुस्तक 3 (इ. बी. 3) के रजिस्टर

में उपयुक्त ढंग से दर्ज करने के बाद ही अगला प्रसंस्करण कार्य हाथ में लिया जाएगा।

शुल्क दिये हुए परिसर (एल-2 परिसर) में शुल्क दिये हुए तम्बाकू के प्रसंस्करण के लिए प्रार्थनापत्र।

सेवा में

सेक्टर अधिकारी

मैं/हम - - - - - एल 2 सं. - - - - - अपने एस 2 परिसरों में शुल्क दिये हुए खड़ी पत्ती के तम्बाकू का प्रसंस्करण करना चाहता हूँ/चाहते हैं। प्रसंस्करण के लिए खेप/खेपों का ब्यौरा निम्न प्रकार है :

(1) ट्रान्सपोर्ट परमिट/सेल नोट की संख्या और तारीख जिनके अधीन माल प्राप्त किया

(2) तम्बाकू का ब्यौरा

(3) पेंकेजों की संख्या

(4) मात्रा, किलोग्रामों में

(5) प्रसंस्करण का काम शुरू करने की प्रस्तावित तारीख और समय।

(6) प्रसंस्करण में लगने वाला संभावित समय

(7) प्रसंस्करण के परिणाम स्वरूप उपलब्ध होने वाले उत्पाद।

(1) मैं/हम एतद्वारा यह घोषित करता हूँ/करते हैं कि मेरी/हमारी सर्वोत्तम जानकारी और विश्वास के अनुसार ऊपर दिये गये विवरण सही हैं।

(2) मैं/हम इस बात की जिम्मेदारी लेता हूँ/लेते हैं कि मैं/हम सा. 5-2-1972 की अधिसूचना सं. के. उ. नि./1/1972 में निर्धारित शर्तों के अनुसार आचरण करूंगा/करेंगे। तथा जब तक केन्द्रीय उत्पादशुल्क अधिकारी प्रसंस्करण के लिए अनुमति नहीं दे देता तब तक प्रसंस्करण का काम शुरू नहीं करूंगा/करेंगे।

(3) मैं/हम इस बात की भी जिम्मेदारी लेता हूँ/लेते हैं, कि अनुमति मिलने के एक घण्टे के अन्दर प्रसंस्करण का कार्य शुरू कर दिया जाएगा, और ऊपर मद सं. 6 में बताया गये समय के अंदर ही उसे पूरा कर दिया जाएगा।

लाइसेंसी या उसके प्राधिकृत  
अधिकर्ता का हस्ताक्षर

मैं प्रमाणित करता हूँ कि मैंने ऊपर दिये गये ब्यौरों की सत्यता की जांच कर ली है; और मैंने उन्हें सही पाया है। मैं एतद्वारा प्रार्थित प्रसंस्करण कार्य करने की अनुमति होता हूँ।

सेक्टर अधिकारी,

केन्द्रीय उत्पाद - - - - -

के हस्ताक्षर

एस 2 परिसरों में शुल्क दिये हुए प्रसंस्कृत तम्बाकू का विवरण बतातेवाला रजिस्टर  
(पूना केन्द्रीय उत्पादशुल्क समाहतलय की 5-2-1972 की अधिसूचना सं० के०उ०न० 1/1972)

क्र०सं० प्रसंस्करण के लिये लिये गये माल का विवरण					प्रसंस्करण का प्रकार	शुरू करने की तारीख	किम तारीख को पूरा हुआ
परिवहन अनुमति-1 (टी०पी० 1) या सेल नोट की संख्या जिस के अधीन तम्बाकू प्राप्त किया गया था।					प्रतिष्ठि (ई०बी० 3) की प्रविष्टि संख्या और विवरण। तारीख	पैकेजों की संख्या और उनका विवरण। तारीख	कुल वजन
1	2	3	4	5	6	7	8

पैकेज, जिनमें माल पैक किया जाता है

प्रसंस्करण के बाद वजन में उपलब्ध तम्बाकू का विवरण और उसका वजन	कुल अधि-कता या कमी का कारण और उसका प्रति-शत	अधिकता या कमी के कारण	विवरण	कुल वजन	प्रसंस्करण के लिये लिये गये पूरे परिमाण की तुलना में प्रत्येक किस्म का प्रतिशत	अभ्युक्ति
9	10	11	12	13	14	15

[स. 5 (4) 30-39/टी सी 7/1]

दे नं. लाख, समाहर्ता।

Poona, the 5th February, 1972

#### CENTRAL EXCISE

**S.O. 1402 [No. C.E.R. 1/1972].**—In exercise of the powers vested in me under Rule 233 of the Central Excise Rules, 1944, I order that the following further amendments shall be made in Notification No. CER/3/1961 dated 28-2-1961.

For clause (vii) of the notification as substituted by Notification No. CER/7/66, issued under this office No. V(a) 24-76/T/65 dated 19-8-66, the following shall be substituted:—

“(vii)(1) A wholesale dealer, who intends to undertake processing in his duty-paid premises of whole leaf tobacco cleared on payment of duty under item 4 I(5)(iv), shall present his application duly signed by him in the prescribed form appended hereto atleast twelve hours in advance to the Section Officer of Central Excise for granting permission to process the tobacco.

(2) He shall not start the processing operation unless the Sector Officer grants permission in writing in the copy of the application.

(3) The licensee shall not remove the resultant product obtained after processing from the processing premises un-

less it is verified and certified accordingly by the Sector Officer. On completion of processing, the licensee shall intimate the Sector Officer regarding the completion of processing and produce the entire processed quantity of tobacco before him for his inspection.

(4) Where a licensee desires to add some more tobacco to a lot already undergoing processing, he shall send similar intimation to the Sector Officer, and upon receiving his orders, take the tobacco for processing after making proper entries in the relevant records. He can also take some of the processed tobacco in his E.B. 3 accounts by sending intimation to the Sector Officer and presenting the consignment before him for such checks as he deems necessary. Once such part removal from the place of processing is allowed, no further tobacco would be allowed to be added for his inspection.

(5) The wholesale dealers in all categories who process duty-paid whole leaf tobacco shall also maintain a register in the form annexed hereto in respect of the processing of duty-paid tobacco undertaken by them. This register shall be produced before the Central Excise Officer on demand.

(6) In no circumstances would more than one processing operations be permitted to be conducted in the same duty-paid premises simultaneously. The current processing operation shall be completed in full and the processed packages properly accounted for in the E.B. 3 register before the next processing operation is undertaken.

FORM OF APPLICATION FOR PROCESSING OF DUTY-PAID TOBACCO IN DUTY-PAID PREMISES  
(L-2 PREMISES)

The Sector Officer,

I/We.....L. 2 No. ....

desire to process duty-paid whole leaf tobacco in my/our L. 2 premises. The particulars of consignment/consignments required for processing are as follows:

1. No. and date of transport permit/sale note under which received.
2. Description of the tobacco.
3. Number of packages.
4. Quantity in kilograms.
5. Proposed date and time of commencement of processing operation.
6. Expected duration of processing.
7. Resultant products to be obtained.

(I) I/We hereby declare that to the best of my/our knowledge and belief the particulars given above are correct.

(II) I/We undertake to abide by conditions laid down in the notification No. CER/1/1972 dated 5-2-1972 and that I/We shall not commence the processing until Central Excise Officer has granted permission for processing.

(III) I/We further undertake to commence the processing within one hour of the permission being granted, and to complete it within the time shown in item No. 6 above.

Signature of the licensee or his authorised agent

I certify that the particulars given above are verified by me and I have found them to be correct. I hereby grant permission to carry out the processing operation as applied for by the licensee.

Signature of the Sector Officer,

C. Ex. ....

REGISTER SHOWING THE DETAILS OF DUTY-PAID TOBACCO PROCESSED IN THE L.2 PREMISES

S. No.	Particulars of goods taken for processing				Nature of Processing	Date of commencement	Date on which completed
1	2	3	4	5	6	7	8
	T.P.1 or sale Note No. under which the tobacco date was received	E.B.3 entry No. &	No. of packages and description	Net Wt.			
1	2	3	4	5	6	7	8

  

Description and weight of tobacco obtained after processing	Net gain or loss in weight and its percentage	Reasons for gain or loss	Packages in which goods are repacked.		Remarks	
			Description	Net Wt.	Percentage of each variety to the total quantity taken for processing.	
9	10	11	12	13	14	15

[F. No. V(4) 30-39/TD 71]

D. N. LAL, Collector

COMMISSIONER OF GIFT-TAX

Poona, the 3rd May, 1973

CORRIGENDUM

**S.O. 1403.**—The order under Section 7 of the Gift-tax Act, 1958 passed under No. 141/Poona/73-74 (Tech.) dated 17-4-1973 by the Commissioner of Income-tax, Poona, may be taken as having been signed by the Commissioner of Gift-tax, Poona.

[No. 141/Poona/73-74 (Tech.)]

CORRIGENDUM

**S.O. 1404.**—The order under Section 8 of Wealth tax Act, 1957 passed under No. 141-Poona/73-74 (Tech.) dated 17-4-1973 by the Commissioner of Income-tax, Poona, may be taken as having been signed by the Commissioner of Wealth-tax, Poona.

[No. 141/Poona/73-74 (Tech.)]

C. N. VAISHNAV, Commissioner

नई दिल्ली, 7 मई, 1973

**का. आ. 1405.**—राजनयिक एवं कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम 1948 की धारा दो के खण्ड (क) का अनुपालन करते हुए केंद्र सरकार इसके द्वारा वाक्य स्थित भारत के हाई कमीशन में सहायक श्री बी. बी. घोष को तत्काल से कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/7/69]

प्रमोद कुमार, उपा सचिव.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 7th May, 1973

**S.O. 1405.**—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri B. B. Ghosh, Assistant in the High Commission of India, Dacca to perform the duties of a Consular Agent, with immediate effect.

[File No. T. 4330/7/69]

PRAMOD KUMAR, Deputy Secy.

बाणिज्य मंत्रालय

आदेश

नई दिल्ली, 19 मई, 1973

**का. आ. 1406.**—यतः केंद्रीय सरकार की राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है कि कक्ष-वातानुकूलक निर्यात के पूर्व क्वालिटी नियंत्रण और निर्यात निरीक्षण के अधीन होंगे,

और यतः केंद्रीय सरकार ने इसके लिए नीचे दिए गए प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम, 2 के उपनियम (2) द्वारा यथाअपीक्षित निर्यात निरीक्षण परिषद् को भेज दिया है,

अतः, अब, उक्त उपनियम के अनुसरण में केंद्रीय सरकार उक्त प्रस्तावों को उनसे संभाव्यतः प्रभावित होने वाले लोगों की जानकारी के लिए एतद्द्वारा प्रकाशित करती है।

2. एतद्द्वारा सूचना दी जाती है कि प्रस्तावों के बारे में कोई आक्षेप या सुझाव भेजने की वांछा करने वाला कोई व्यक्ति उसे इस आदेश के राजपत्र में प्रकाशन की तारीख से तीस दिनों के भीतर निर्यात निरीक्षण परिषद्, 'बल्ड' ट्रेड सेंटर, 14/1बी, एजरा स्ट्रीट, (7 वीं मंजिल), कलकत्ता-1 को भेज सकेगा।

#### प्रस्ताव

(1) यह अधिसूचित करना कि कक्ष-वातानुकूलक निर्यात पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे;

(2) क्वालिटी नियंत्रण और निरीक्षण के प्रकार को इस आदेश के उपबंध में दिए गए कक्ष-वातानुकूलक के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के उस प्रकार के रूप में विनिर्दिष्ट करना, जो ऐसे कक्ष-वातानुकूलक पर निर्यात के पूर्व लागू होगा;

(3) भारतीय या किसी अन्य राष्ट्रीय मानक को कक्ष-वातानुकूलक के लिए मानक विनिर्देश के रूप में मान्यता देना;

(4) अन्तर्राष्ट्रीय व्यापार के दौरान ऐसे कक्ष-वातानुकूलक के निर्यात का तब तक प्रतिबंध करना जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित निर्यात निरीक्षण अभिकरणों में से किसी एक द्वारा दिया गया इस आशय का प्रमाण पत्र न हो कि कक्ष-वातानुकूलक का परीक्षण उससे संबंधित क्वालिटी नियंत्रण और निरीक्षण की शर्तों को पूरा करता है और निर्यात योग्य है।

3. इस आदेश में "कक्ष-वातानुकूलक" से बन्द कक्ष को प्रतीत घंटा 1000 किलो कैलोरी की नामित क्षमता की वातानुकूलित वायु सहजता से प्रदान करने के लिए बनाया गया स्त्रोत तथा वायु के संवातन, परिसंचरण तथा निस्पंदन के साधन को समाविष्ट करने वाला कंस में रखा हुआ समंजन अभिप्रेत है।

#### उपाबन्ध

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाये जाने वाले नियमों का प्रारूप—

1. संक्षिप्त नाम तथा प्रारम्भ.—(1) इन नियमों का नाम कक्ष-वातानुकूलक के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 है।

(2) ये कब प्रवृत्त होंगे।

2. परिभाषाएं.—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो—

(क) 'अधिनियम' से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है;

(ख) "अभिकरण" से केन्द्रीय सरकार द्वारा अधिनियम की धारा 7 के अधीन कंचीन, मद्रास, कलकत्ता, मुम्बई या

दिल्ली में स्थापित निर्यात निरीक्षण अभिकरणों में से कोई एक अभिकरण अभिप्रेत है;

(ग) 'कक्ष-वातानुकूल' से बन्द कक्ष को प्रतीत घंटा 1000 किलो कैलोरी की नामित क्षमता की वातानुकूलित वायु सहजता से प्रदान करने के लिए बनाया गया स्त्रोत तथा वायु के संवातन, परिसंचरण तथा निस्पंदन के साधन को समाविष्ट करने वाला कंस में रखा हुआ समंजन अभिप्रेत है।

3. क्वालिटी नियंत्रण और निरीक्षण.—(1) कक्ष-वातानुकूलक की क्वालिटी इन नियमों से संलग्न सारणी में विनिर्दिष्ट नियंत्रण के स्तरों के साथ-साथ उपनियम (2) में विनिर्माण के विभिन्न प्रक्रमों पर नियंत्रणों का प्रयोग करके सुनिश्चित की जाएगी।

(2) उपनियम (1) में वर्णित विनिर्माण के विभिन्न प्रक्रमों पर नियंत्रण निम्नलिखित नियंत्रण हैं, अर्थात् :—

#### (1) खरीदी गई सामग्री तथा घटकों का नियंत्रण—

(क) कथ विनिर्देश विनिर्माता द्वारा प्रयुक्त किए जाने वाली सामग्री या घटकों के गुणधर्मों तथा सद्गुणों सहित उनकी व्यवहार विमाओं को समाविष्ट करते हुए निर्धारित किए जाएंगे।

(ख) स्वीकृत परीक्षणों के साथ या तो उत्पादनकर्ता के कथ विनिर्देशों की अपेक्षाओं की पूर्ति करते हुए परख-प्रमाण-पत्र होगा या ऐसे परख प्रमाण-पत्र न होने पर प्रत्येक परीक्षण से नमूनों की परख कथ विनिर्देशों से उनकी अनुरूपता की जांच करने के लिए नियमित रूप से की जाएगी। उत्पादनकर्ता के परख प्रमाण-पत्रों की यथा तथ्यता सत्यापित करने के लिए उनकी पांच परीक्षणों में कम से कम एक बार प्रति जांच की जाएगी।

(ग) आने वाले परीक्षणों की, सांख्यिकीय नमूना योजना के लिए, कथ विनिर्देशों से अनुरूपता सुनिश्चित करने के लिए निरीक्षण और परख की जाएगी।

(घ) निरीक्षण तथा परखों के पश्चात् दोषपूर्ण नगों के उचित पृथक्करण तथा निपटान के लिए प्राथिक पद्धति अपनायी जाएगी।

(ङ) उपर्युक्त नियंत्रणों के सम्बन्ध में पर्याप्त अभिलेख प्राथिक रूप से रखे जाएंगे।

#### (2) प्रसंस्करण नियंत्रण—

(क) विनिर्माण के विविध प्रसंस्करणों के लिए विनिर्माताओं द्वारा व्यवहार प्रसंस्करण विनिर्देश बनाए जाएंगे।

(ख) प्रसंस्करण विनिर्देशों में निर्धारित किए गए प्रसंस्करणों के नियंत्रण के लिए उपस्करों/माध्यमों की पर्याप्त सुविधाएं होंगी।



(ग) विनिर्माण के प्रसंस्करण के दौरान प्रयुक्त नियंत्रणों की जांच के लिए पर्याप्त अभिलेख रखे जाएंगे।

### 3. उत्पाद निबंधन—

(क) विनिर्माता के पास मानक विनिर्देश के अनुसार उत्पाद की परख करने की या तो स्वयं अपनी परख सुविधाएं होंगी या जहां ऐसी परख सुविधाएं हों वहां उसकी पहुँच होगी। इसके लिए पर्याप्त अभिलेख रखे जाएंगे।

(ख) प्रत्येक समंजन की निर्धारित निरीक्षण जांच सूची के अनुसार जांच की जाएगी।

### (4) मौसम संबंधी निबंधन—

उत्पादन तथा निरीक्षण में प्रयुक्त मापकों और उपकरणों की कालिक जांच/अंशशाोधन किया जाएगा और बृत्तक्रड के रूप में अभिलेख रखे जाएंगे।

### (5) पैकेजिंग निबंधन—

पैकेजिंग विनिर्देश निर्धारित किया जाएगा। पैकेजों की अच्छी फिनिश होगी और वे अच्छे प्रस्तुत करने योग्य होंगे। वे निम्न-लिखित परखों भी सहन करेंगे, अर्थात्—

(क) **रोलिंग परख—**पैकेज को उसकी सतह पर या तो 6 मीटर आगे और 6 मीटर पीछे की ओर या केवल एक ही ओर 12 मीटर रोल किया जाएगा तथा इससे न तो स्वयं उसकी या उसमें रखी हुई वस्तु की कोई हानी होगी।

(ख) **जल फुहार परख—**पैकेज को प्रसामान्य अक्समात मानसून वर्षन जैसे जल फुहार में पांच मिनट तक खुला रखा जाएगा और इससे अंदर रखी हुई वस्तु पर उसका कोई प्रभाव नहीं होगा।

3. **निरीक्षण—**निर्यात के लिए आशयित कक्ष-वातानुकूलकों का निरीक्षण यह देखने के लिए किया जाएगा कि उपर्युक्त नियंत्रणों का सुसंगत स्तरों पर समाधान पूर्ण रीति से प्रयोग किया गया है, और कक्ष-वातानुकूलक मानक विनिर्देशों के अनुरूप हैं।

4. **निरीक्षण की प्रक्रिया—**(1) निर्यातकर्ता, जिसकी अधिकांशता के अधीन वह कारखाना आता है जिससे निर्यात किया जाना आशयित है, उस अभिकरण को लिखित सूचना देगा और ऐसी सूचना के साथ इस आशय का घोषणा का पत्र भी देगा कि कक्ष-वातानुकूलक का परीक्षण नियम 3 में निर्दिष्ट नियंत्रणों के अनुसार क्वालिटी नियंत्रण उपायों का प्रयोग करके विनिर्मित किया गया है या किया जा रहा है तथा परीक्षण इस प्रयोजन के लिए

मान्यता प्राप्त विनिर्देशों के अनुरूप है। संबंधित अनुबंध के पूरे स्थानों जहाँ कहीं भी आवश्यकता हो, अभिकरण को उपलब्ध किए जाएंगे।

(2) निर्यातकर्ता या विनिर्माता परीक्षण पर लगाया गया पात पोस्टर पहचान चिन्ह अभिकरण को भी देगा।

(3) उपनियम (1) के अधीन प्रत्येक सूचना तथा घोषणा-पत्र विनिर्माता के परिसर से परीक्षण के भेजे जाने से कम से कम दस दिन पहले अभिकरण के कार्यालय में पहुँचेंगी।

(4) उप-नियम (1) तथा (2) के अधीन सूचना तथा घोषणा-पत्र प्राप्त होने पर, अभिकरण अपना यह समाधान कर लेने पर कि विनिर्माण के प्रसंस्करण के दौरान नियम 3 में विनिर्दिष्ट पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया गया है, तथा परीक्षण की मानक विनिर्देशों के साथ अनुरूपता सुनिश्चित करने के लिए यथा अपेक्षित समझे गए निरीक्षण या ऐसी अतिरिक्त परख करने के पश्चात 10 दिन के भीतर इस आशय का प्रमाणपत्र दे देगा कि परीक्षण क्वालिटी नियंत्रण तथा निरीक्षण से संबंधित शर्तों को पूरा करता है और निर्यात योग्य है। जब कभी अभिकरण की आवश्यकता हो, निर्यातकर्ता अपने कारखाने/गोदाम से कक्ष-वातानुकूलकों के नमूने बिना मूल्य देगा। तथापि, आवश्यक निरीक्षण तथा परख करने के पश्चात अभिकरण द्वारा नमूने लाँटा दिए जाएंगे:

परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह उक्त दस दिन की अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा ऐसे इंकार की सूचना इसके लिए कारण सहित निर्यातकर्ता को देगा।

5. **निरीक्षण का स्थल—**इन नियमों के अधीन प्रत्येक निरीक्षण विनिर्माता के परिसर पर किया जाएगा।

6. **निरीक्षण फीस—**पोत पर्यन्त निःशुल्क मूल्य पर 1 प्रतिशत की दर से फीस जो कि कम से कम 100/- रुपये (सौ रुपये) होगी, निर्यातकर्ता द्वारा अभिकरण को निरीक्षण फीस के रूप में दी जाएगी।

7. **अपील—**(1) नियम 4 के उपनियम (4) के अधीन अभिकरण द्वारा प्रमाणपत्र देने के इंकार से व्यथित कोई व्यक्ति, उसके द्वारा ऐसे इंकार की सूचना प्राप्त करने पर 10 दिन के भीतर, केंद्रीय सरकार द्वारा इसके लिए नियुक्त कम से कम तीन व्यक्तियों के विशेषज्ञों के पैनल को अपील कर सकेगा।

(2) विशेषज्ञों के पैनल की बैठक के गठन के लिए गण-पूर्ति के तीन विशेषज्ञों की होंगी।

(3) ऐसी अपील पर उक्त विशेषज्ञों के पैनल का विनिश्चय अन्तिम होगा।

## सारणी

नियंत्रण के स्तर

(नियम 3 देखिए)

क्र० स०	निरीक्षण/परख की विशिष्टियाँ	अपेक्षाएँ	नमूने का आकार	लॉट का आकार
(I)	खरीबो गई सामग्री तथा घटक	उस प्रयोजन के लिए, मान्यता-प्राप्त मानक विनिर्देशों के अनुसार	प्रत्येक	..
	(क) दृष्टि निरीक्षण (कारोगरी तथा फिनिश सहित)	—यथाक्त—	प्रत्येक	..
	(ख) सहन सहित विभाग	—यथाक्त—	अभिनिर्दिष्ट अन्वेषण के आधार पर निर्दिष्ट किया जाएगा	प्रत्येक लॉट
	(i) कान्तिक	—यथाक्त—	—यथाक्त—	प्रत्येक लॉट
	(ii) अन्य	—यथाक्त—	—यथाक्त—	प्रत्येक लॉट
	(ग) कोई अन्य अपेक्षा	—यथाक्त—	—यथाक्त—	प्रत्येक लॉट
(II)	विनिर्मित घटक तथा उपसमंजन			
	(क) दृष्टि निरीक्षण (कारोगरी तथा फिनिश सहित)	—यथाक्त—	प्रत्येक	प्रत्येक लॉट
	(ख) सहन सहित विभाग	—यथाक्त—	प्रत्येक	प्रत्येक लॉट
	(i) कान्तिक	—यथाक्त—	अभिनिर्दिष्ट अन्वेषण के आधार पर निर्दिष्ट किया जाएगा	प्रत्येक लॉट
	(ii) अन्य	—यथाक्त—	—यथाक्त—	प्रत्येक लॉट
	(ग) कोई अन्य अपेक्षा	—यथाक्त—	—यथाक्त—	प्रत्येक लॉट
समंजन				
(III)	(क) कारोगरी तथा फिनिश	—यथाक्त—	प्रत्येक	..
	(ख) परख	..	..	..
	(i) सामान्य जालन परख	—यथाक्त—	प्रत्येक	..
	(ii) दाब या मीक परख	—यथाक्त—	प्रत्येक	..
	(iii) विद्युत रोधन प्रतिरोध परख	—यथाक्त—	प्रत्येक	..
	(iv) उच्च बोल्टता परख	—यथाक्त—	प्रत्येक	..
	(v) भूस्पर्कन सातत्य परख	—यथाक्त—	प्रत्येक	..
	(vi) रेडियो व्यतिकरण परख	—यथाक्त—	प्रत्येक	प्रत्येक किस्म तथा डिजाइन के 50 नमूने
	(vii) शीतलन क्षमता परख	—यथाक्त—	एक	—यथाक्त—
	(viii) पुनः परिसञ्चारी वायु परिमाण नियन्त्रण परख	—यथाक्त—	एक	—यथाक्त—
	(ix) विद्युत नियन्त्रण परख	—यथाक्त—	एक	—यथाक्त—
	(x) डिसिबल में शोर का स्तर	—यथाक्त—	एक	—यथाक्त—
	(xi) यांत्रिकी संकट के लिए परख	—यथाक्त—	एक	—यथाक्त—
	(xii) त्रिआणील पुञ्जों की अभिगम्यता के लिए परख	—यथाक्त—	एक	—यथाक्त—
	(xiii) लोक करंट का नाम	—यथाक्त—	एक	—यथाक्त—
	(xiv) सञ्चालन वायु परिमाण नियन्त्रण परख	—यथाक्त—	एक	प्रत्येक किस्म तथा डिजाइन के 500 नमूने
	(xv) निष्कासन वायु परिमाण नियन्त्रण परख	—यथाक्त—	एक	—यथाक्त—
(IV)	परिरक्षण			
	(क) विद्युत-लपन	—यथाक्त—	एक	प्रत्येक बैच का उत्पादन
	(i) आसजन	—यथाक्त—	एक	—यथाक्त—
	(ii) मोटाई	—यथाक्त—	एक	—यथाक्त—
	(iii) सञ्चरण प्रतिरोध	—यथाक्त—	एक	—यथाक्त—
	(ख) पैकिंग			
	(i) नम्यता तथा आसजन	—यथाक्त—	एक	प्रत्येक लैपार मिश्रण
	(ii) खरोच दहना	—यथाक्त—	एक	—यथाक्त—
	(iii) सञ्चरण प्रतिरोध	—यथाक्त—	एक	—यथाक्त—
	(iv) नाप प्रतिरोध	—यथाक्त—	एक	उप-लिप गाँ पैक का प्रत्येक परेक्षण
(V)	पैकिंग			
	(क) रॉलिंग परख	—यथाक्त—	1 पैकेज	प्रत्येक परेक्षण
	(ख) जल कुंडारा परख	—यथाक्त—	—यथाक्त—	प्रत्येक डिजाइन

## MINISTRY OF COMMERCE

## ORDER

New Delhi, the 19th May, 1973

**S.O. 1406.**—Whereas the Central Government is of opinion that, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient so to do for the development of export trade of India that room air-conditioners shall be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same, within thirty days of the date of publication of this Order in the Official Gazette, to the Export Inspection Council, "World Trade Centre", 14/1-B, Ezra Street, 7th floor, Calcutta-1.

## PROPOSALS

- (1) To notify that room air-conditioners shall be subject to quality control and inspection prior to export;
- (2) To specify the type of quality control and inspection in accordance with the draft Export of Room Air-Conditioners (Quality Control and Inspection) Rules, 1973, set out in the Annexure to this Order as the type of quality control and inspection which would be applied to such room air-conditioners prior to export;
- (3) To recognise the Indian or any other national standards as the standard specification for room air-conditioners;
- (4) To prohibit the export, in the course of international trade of such room air-conditioner unless the same is accompanied by a certificate issued by any of the Export Inspection Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignment of water cooler satisfies the conditions relating to its quality control, and inspection and is export-worthy

3. In this Order "room air-conditioner" means an encased assembly, comprising of a source of mechanical refrigeration and dehumidification and means for ventilation, circulation and filtration of air, designed for providing free delivery of

conditioned air with a nominal capacity of up to 9000 kilo calories per hour to an enclosure.

## ANNEXURE

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

**1. Short title and commencement.**—(1) These rules may be called the Export of Room Air-Conditioners (Quality Control and Inspection) Rules, 1973.

(2) They shall come into force on the.....

**2. Definitions :—**In these rules, unless the context otherwise requires :—

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- (b) "agency" means any one of the Export Inspection Agencies established by the Central Government at Cochin, Madras, Calcutta, Bombay or Delhi under section 7 of the Act;
- (c) "room air-conditioner" means an encased assembly, comprising of a source of mechanical refrigeration and dehumidification and means for ventilation, circulation and filtration of air, designed for providing free delivery of conditioned air with a nominal capacity of up to 9000 kilo calories per hour to an enclosure.

**3. Quality Control and Inspection :—**(1) The quality of the room air-conditioners shall be ensured by exercising the controls at different stages of manufacture specified in sub-rule (2) together with the levels of control specified in the Table annexed to these rules.

(2) The controls at different stages of manufacture mentioned in sub-rule (1) are the following controls, namely :—

**(i) Bought out materials and components control :**

- (a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and the detailed dimensions thereof with tolerances.
- (b) The accepted consignments shall be either accompanied by a producer's test certificate corroborating the requirement of the purchase specifications or in the absence of such test certificates, samples from each consignment shall be regularly tested to check up its conformity to the purchase specifications. The producer's test certificates shall be counter-checked at least once in five consignments to verify the correctness.

- (c) The incoming consignments shall be inspected and tested for ensuring conformity to purchase specifications against statistical sampling plan.
- (d) After the inspection and tests are carried out, systematic methods shall be adopted for proper segregation and disposal of defectives.
- (e) Adequate records in respect of the above mentioned controls shall be systematically maintained.

(ii) **Process control :**

- (a) Detailed process specifications shall be laid down by the manufacturers for various processes of manufacture.
- (b) Equipment/instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.
- (c) Adequate records shall be maintained to enable the verification of the controls exercised during the process of manufacture.

(iii) **Product control :**

- (a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the standard specification. Adequate records thereof shall be maintained.
- (b) Each and every assembly shall be checked against a laid down inspection check list.

(iv) **Metrological control :**

Gauges and instruments used in the production and inspection shall be periodically checked/calibrated and records shall be maintained in the form of a history card.

(v) **Packing control :**

A packing specification shall be laid down. The packages shall be well finished and shall have good presentability. They shall also withstand the following tests, namely :—

- (a) **Rolling test :—**The package shall be subject to rolling on its sides either 6 metres forward and 6 metres backward or 12 metres in one direction only and shall not cause any damage to either itself or its contents.
- (b) **Water spraying test :—**The package shall be allowed to be exposed against a water spray equivalent to a normal sudden monsoon shower for five minutes and the contents inside shall not be affected.

(3) **Inspection :—**The inspection of room air-conditioners intended for export shall be carried out with a view to seeing that the above mentioned controls have been exercised at the relevant levels satisfactorily and the room air-conditioners conform to the standard specifications.

**4. Procedure of inspection :—**(1) The exporter shall give intimation in writing to the agency under whose jurisdiction the factory, from which it is intended to export, falls and submit along with such intimation a declaration that the consignment of room air-conditioners has been or is being manufactured by exercising quality control measures as per controls referred to in rule 3 and that the consignment conforms to the requirements of the specifications recognised for this purpose. Complete details of contractual stipulation shall be made available to the agency wherever required.

(2) The exporter or manufacturer shall also furnish to the agency the shipping marks of identification applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the agency not less than ten days prior to the despatch of the consignment from the manufacturer's premises.

(4) On receipt of the intimation and declaration under sub-rules (1) and (2), the agency, on satisfying itself that during the process of manufacture, adequate quality controls, specified in rule 3 have been exercised and after further such inspection or testing as considered necessary to ensure conformity of the consignment to the standard specifications, shall, within ten days, issue a certificate that the consignment satisfies the conditions relating to quality control and inspection and is export-worthy. As and when required by the agency the exporter shall supply free of charge samples of room air-conditioners from his factory/godown(s). The samples shall, however, be returned by the agency after necessary inspection and testing :

Provided that where the agency is not so satisfied, it shall, within the said period of ten days, refuse to issue such certificate and communicate such refusal to the exporter alongwith the reasons therefor.

**5. Place of inspection.**—Every inspection under these rules shall be carried out at the premises of the manufacturer.

**6. Inspection fee:—**A fee at the rate of 1 per cent of f. o. b. value subject to a minimum of Rs. 100 (Rupees one hundred) shall be paid by the exporter to the agency as inspection fee.

**7. Appeal.**—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons appointed for the purpose by the Central Government.

(2) The quorum to constitute a meeting of the panel of expert shall be of its three experts.

(3) The decision of the said panel of experts on such appeal shall be final.

TABLE  
Levels of Control  
(See rule 3)

Sl. No.	Particulars of inspection/test	Requirement	Sample size	Lot size
1	2	3	4	5
<b>I. Bought out materials and components:—</b>				
(a)	Visual inspection (including workmanship and finish)	As per standard specification recognised for the purpose	Each	..
(b)	Dimensions with tolerances:—			
	(i) Critical	Do.	Each	
	(ii) Others	Do.	To be fixed on the basis of recorded investigation	Each lot
(c)	Any other requirement.	Do.	Do.	Do
<b>II. Manufactured components and sub assembly:—</b>				
(a)	Visual inspection (including workmanship and finish)	As per standard specification recognised for the purpose.	Each	..
(b)	Dimensions with tolerances:—			..
	(i) Critical	Do.	Each	
	(ii) Others	Do.	To be fixed on the basis of recorded investigation	Each lot
(c)	Any other requirement	Do.	Do.	Each lot
<b>III. Assembly:—</b>				
(a)	Workmanship and finish	As per standard specification recognised for the purpose	Each	..
(b)	Tests:—			
	(i) General running test	Do.	Each	..
	(ii) Pressure or leakage test	Do.	Each	..
	(iii) Insulation resistance test	Do.	Each	..
	(iv) High voltage test	Do.	Each	..
	(v) Earthing continuity test	Do.	Each	..
	(vi) Radio interference test	Do.	Each	..
	(vii) Cooling capacity test	Do.	1 No.	50 Nos. of each type and design
	(viii) Recirculating air quantity rating test	Do.	1 No.	Do.
	(ix) Electrical rating test	Do.	1 No.	Do.
	(x) Noise level in decibels	Do.	1 No.	Do.
	(xi) Test for mechanical hazards	Do.	1 No.	Do.
	(xii) Test for accessibility of live parts	Do.	1 No.	Do.
	(xiii) Leakage current measurement	Do.	1 No.	Do.
	(xiv) Ventilating air quantity rating test	Do.	1 No.	500 Nos. of each type and design.
	(xv) Exhaust air quantity rating test	Do.	1 No.	Do.
<b>IV. Preservation:—</b>				
(a)	Electroplating:—			
	(i) Adhesion	Do.	1 No.	Each batch's production.
	(ii) Thickness	Do.	1 No.	Do.
	(iii) Corrosion resistance	Do.	1 No.	Do.
(b)	Painting:—			
	(i) Flexibility and Adhesion	Do.	1 No.	Each mix prepared
	(ii) Scratch hardness	Do.	1 No.	Do.
	(iii) Corrosion resistance	Do.	1 No.	Do.
	(iv) Resistance to heat	Do.	1 No.	Each consignment of of paint purchased
<b>V. Packing:—</b>				
(a)	Rolling test	Do.	1 package	Each consignment.
(b)	Water spraying test	Do.	Do.	Each design

[F.No.6(4)/72-EI&amp;EP]

## आदेश

## (2) घं

को प्रवृत्त होंगे।

का. आ. 1407.—यतः केंद्रीय सरकार की राय है कि नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के नियति व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है कि घरेलू रीफ्रिजरेटर नियति के पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे।

और यतः केंद्रीय सरकार ने इसके लिए नीचे दिए गए प्रस्ताव बनाए हैं और उन्हें नियति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम, 2 के उपनियम (2) द्वारा यथा अपेक्षित नियति निरीक्षण परिषद् को भेज दिया है,

अतः, अब, उक्त उपनियम के अनुसरण में केंद्रीय सरकार उक्त प्रस्तावों को उनसे संभावितः प्रभावित होने वाले लोगों की जानकारी के लिए एतद्वारा प्रकाशित करती है।

2. एतद्वारा सूचना दी जाती है कि उक्त प्रस्तावों के बारे में आक्षेप या सुझाव भेजने की वांछा करने वाला कोई व्यक्ति उसे इस आदेश के राजपत्र में प्रकाशन की तारीख से तीस दिन के भीतर नियति निरीक्षण परिषद्, 'वर्ल्ड ट्रेड सेंटर', 14/1बी, एजरा स्ट्रीट, (7 वीं मंजिल), कलकत्ता-1 को भेज सकेगा।

## प्रस्ताव

(1) यह अधिसूचित करना कि घरेलू रीफ्रिजरेटर नियति पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे,

(2) क्वालिटी नियंत्रण और निरीक्षण के प्रकार को इस आदेश के उपाबंध में दिए गए घरेलू रीफ्रिजरेटर के नियति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के उस प्रकार के रूप में विनिर्दिष्ट करना, जो ऐसे घरेलू रीफ्रिजरेटर पर नियति के पूर्व लागू होगा।

(3) भारतीय या किसी अन्य राष्ट्रीय मानक को घरेलू रीफ्रिजरेटर के लिए मानक विनिर्देश के रूप में मान्यता देना,

(4) अन्तर्राष्ट्रीय व्यापार के दौरान ऐसे घरेलू रीफ्रिजरेटर के नियति का तब तक प्रतिबंध करना जब तक कि उसके साथ नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित नियति निरीक्षण अभिकरणों में से किसी एक द्वारा दिया गया इस आशय का प्रमाण-पत्र न हो कि घरेलू रीफ्रिजरेटर का परेक्षण उससे सम्बन्धित क्वालिटी नियंत्रण और निरीक्षण की शर्तों को पूरा करता है और नियति योग्य है।

3. इस आदेश में 'घरेलू रीफ्रिजरेटर' से 350 लिटर तथा उस संख्या को समाविष्ट करने वाली क्षमता तक का प्रथमतः घरेलू उपयोग हेतु, निम्न तापमान पर अन्तर्वस्तुओं के परिरक्षण करने या बनाए रखने के लिए प्रशीतन व्यवस्था और विद्युत्-संधी संचय स्थान या हिमकारी कक्ष को अंतर्निहित करने वाला सम्पूर्ण युनिट अभिप्रेत है।

## उपाबंध

नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने वाले प्रस्तावित नियमों का प्रारूप।

1. संक्षिप्त नाम तथा प्रारम्भ.—इन नियमों का नाम घरेलू रीफ्रिजरेटर नियति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 है।

2. परिभाषाएं.—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) 'अधिनियम' से नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है,

(ख) "अभिकरण से अधिनियम की धारा 7 के अधीन केंचीन, मद्रास, कलकत्ता, मुम्बई या दिल्ली में केंद्रीय सरकार द्वारा स्थापित नियति निरीक्षण अभिकरणों में से कोई एक अभिकरण अभिप्रेत है।

(ग) "घरेलू रीफ्रिजरेटर" से 350 लिटर तथा उस संख्या को समाविष्ट करने वाली क्षमता तक का प्रथमतः घरेलू उपयोग हेतु, निम्न तापमान पर अन्तर्वस्तुओं के परिरक्षण, करने या बनाए रखने के लिए प्रशीतन व्यवस्था और विद्युत्-संधी संचयस्थान या हिमकारी कक्ष को अन्तर्निहित करने वाला सम्पूर्ण अभिप्रेत है।

3. क्वालिटी नियंत्रण और निरीक्षण.—(1) घरेलू रीफ्रिजरेटर की क्वालिटी इन नियमों से उपाबंध सारणी में दिए गए नियंत्रण स्तरों के साथ साथ उपनियम (2) में विनिर्दिष्ट विनिर्माण के विभिन्न प्रक्रमों पर नियंत्रण का प्रयोग करके सुनिश्चित की जाएगी।

(2) उपनियम (1) में विहित विनिर्माण के विभिन्न प्रक्रमों पर निम्नलिखित नियंत्रण है, अर्थात् :—

## (1) खरीदी गई सामग्री तथा घटकों का निबंधन—

(क) क्रय विनिर्देश विनिर्माता द्वारा प्रयुक्त किए जाने वाली सामग्री या घटकों के गुणधर्मों तथा सहनों सहित उनकी ब्यौरेवार विमाओं को समाविष्ट करते हुए बनाए जाएंगे।

(ख) स्वीकृत परेक्षणों के साथ या-तां उत्पादनकर्ता के क्रय विनिर्देशों की अपेक्षाओं की पुष्टी करते हुए परख-प्रमाण-पत्र होगा या ऐसे परख प्रमाण-पत्र के न होने पर प्रत्येक परेक्षण से नमूनों की परख क्रय-विनिर्देशों से उन की अनुरूपता की जांच करने के लिए नियमित रूप से की जाएगी। उत्पादन-कर्ता के परख प्रमाण-पत्रों की यथातथ्यता सत्यापित करने के लिए उनकी पांच परेक्षणों में कम से कम एक बार प्रति-जांच की जाएगी।

(ग) आने वाले परेक्षणों की, सांख्यिकीय नमूना योजना के लिए, क्रय विनिर्देशों से अनुरूपता सुनिश्चित करने लिए निरीक्षण और परख की जाएगी।

(घ) निरीक्षण तथा परखों के पश्चात् वांछपूर्ण नगों के उचित पृथक्करण तथा निपटान के लिए प्राथिक पद्धति अपनायी जाएगी।

(ङ) उपर्युक्त नियंत्रणों के संबंध में पर्याप्त अभिलेख प्राथिक रूप से रखे जाएंगे।

**(2) प्रसंस्करण नियंत्रण—**

(क) विनिर्माण के विविध प्रसंस्करणों के लिए विनिर्माणों द्वारा ब्यौरेवार प्रसंस्करण विनिर्देश बनाए जाएंगे।

(ख) प्रसंस्करण विनिर्देशों में दिए गए प्रसंस्करणों के नियन्त्रण के लिए उपकरणों/माध्यमों की पर्याप्त सुविधाएं होंगी।

(ग) विनिर्माण के प्रसंस्करण के दौरान प्रयोग किए गये नियन्त्रणों की जांच के लिए पर्याप्त अभिलेख रखे जाएंगे।

**(3) उत्पाद नियंत्रण—**

(क) विनिर्माता के पास मानक विनिर्देश के अनुसार उत्पाद की परख करने की या तो स्वयं अपनी परख सुविधाएं होंगी या जहां ऐसी परख सुविधाएं हैं वहां उसकी पहचान होगी। इसके लिए पर्याप्त अभिलेख रखे जाएंगे।

(ख) प्रत्येक समंजन की निर्धारित निरीक्षण जांच सूची के अनुसार जांच की जाएगी।

**(4) मांस संबंधी नियंत्रण—**

उत्पादन तथा निरीक्षण में प्रयुक्त मापकों और उपकरणों की कालिक जांच/अंशशाधन किया जाएगा और वृत्तकार्ड के रूप में अभिलेख रखे जाएंगे।

**(5) पैकेजिंग नियंत्रण—**

पैकेजिंग विनिर्देश निर्धारित किया जाएगा। पैकेजों की अच्छी फिनिश होगी और वे अच्छे प्रस्तुत करने योग्य होंगे। वे निम्नलिखित परखों भी सहन करेंगे, अर्थात्:—

(क) रोलिंग परख—पैकेज को उसकी सतह पर 6 मीटर आगे और 6 मीटर पीछे की ओर या केवल एक ही ओर 12 मीटर तक रोल किया जाएगा तथा इससे न तो स्वयं उसकी या उसमें रखी हुई वस्तु की कोई हानि होगी।

(ख) जल फूटारा परख—पैकेज को प्रसामान्य अकस्मात मानसून वर्षण में जैसे जल फूटारा में पांच मिनट तक खुला रखा जाएगा और इसके अंदर रखी हुई वस्तु पर उसका कोई प्रभाव नहीं होगा।

(3) निरीक्षण—निर्यात के लिए आशयित घरेलू रीफ्रिजरेटर्स का निरीक्षण यह देखने के लिए किया जाएगा कि उपर्युक्त नियंत्रणों का सुसंगत स्तरों पर समाधानप्रद रीति में प्रयोग किया है और घरेलू रीफ्रिजरेटर मानक विनिर्देशों के अनुरूप हैं।

4. निरीक्षण की प्रक्रिया—(1) निर्यातकर्ता, जिसकी अधिकांशता के अधीन वह कारखाना आता है जिससे निर्यात किया जाना आशयित है, उस अभिकरण को लिखित सूचना देगा और ऐसी

सूचना के साथ इस आशय का घोषणा पत्र भी देगा कि घरेलू रीफ्रिजरेटर का परेषण नियम 3 में निर्दिष्ट क्वालिटी नियंत्रणों के अनुसार क्वालिटी नियंत्रण उपायों का प्रयोग करके विनिर्मित किया गया है अथवा किया जा रहा है तथा परेषण इस प्रयोजन के लिए मान्यता प्राप्त विनिर्देशों के अनुरूप है। संबंधात्मक अनुबंध के पूरे ब्यौरे जहां कहीं भी आवश्यकता हो, अभिकरण को उपलब्ध किए जाएंगे।

(2) निर्यातकर्ता या विनिर्माता परेषण पर लगाया गया पाँत परिवहन पहचान चिह्न अभिकरण के भी देगा।

(3) उपनियम (1) के अधीन प्रत्येक सूचना तथा घोषणा विनिर्माता के परिसर से परेषण के भेजे जाने से कम से कम इस चिन पहले अभिकरण के कार्यालय में पहुँचेंगी।

(4) उपनियम (1) तथा (2) के अधीन सूचना तथा घोषणा प्राप्त होने पर, अभिकरण अपना समाधान कर लेने पर कि विनिर्माण के प्रसंस्करण के दौरान नियम 3 में विनिर्दिष्ट पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया गया है, तथा परेषण की मानक विनिर्देशों के साथ अनुरूपता सुनिश्चित करने के लिए यथा अपेक्षित समझे गए ऐसे अभिरिक्त निरीक्षण या परख करने के पश्चात् 10 दिन के भीतर इस आशय का प्रमाणपत्र दे देगा कि परेषण क्वालिटी नियंत्रण तथा निरीक्षण से संबंधित शर्तों का पूरा करता है और निर्यात योग्य है। जब कभी अभिकरण को आवश्यकता होगी, निर्यातकर्ता अपने कारखाने के गोदाम से घरेलू रीफ्रिजरेटर के नमूने बिना मूल्य देगा। तथापि आवश्यक निरीक्षण तथा परख करने के पश्चात् अभिकरण द्वारा नमूने लौटा दिए जाएंगे।

परन्तु, जहां अभिकरण का इस प्रकार समाधान नहीं हो गया है वह वह उक्त दस दिन की अवधि के भीतर ऐसा प्रमाणपत्र देने से इंकार कर देगा तथा ऐसे इंकार की सूचना इसके लिए कारण सहित निर्यातकर्ता को देगा।

5. निरीक्षण का स्थल—इन नियमों के अधीन प्रत्येक निरीक्षण विनिर्माता के परिसर पर किया जाएगा।

6. निरीक्षण फीस—पाँत पर्यन्त निःशुल्क मूल्य पर 1 प्रतिशत की दर से फीस जो कि कम से कम 100 रुपये (एक सौ रुपये) होगी, निर्यातकर्ता द्वारा अभिकरण को निरीक्षण फीस के रूप में दी जाएगी।

7. अपील—(1) नियम 4 के उपनियम के अधीन अभिकरण द्वारा प्रमाणपत्र देने के इंकार से व्यथित कोई व्यक्ति, उसके द्वारा ऐसे इंकार की सूचना प्राप्त करने पर 10 दिन के भीतर, केंद्रीय सरकार द्वारा इसके लिए नियुक्त कम से कम तीन व्यक्तियों के विशेषज्ञों के पैनल को अपील कर सकेगा।

(2) विशेषज्ञों के पैनल की बैठक के गठन के लिए गण-पति तीन विशेषज्ञों की होगी।

(3) ऐसी अपील पर उक्त विशेषज्ञों के पैनल का विनिश्चय अन्तिम होगा।

सारणी  
नियंत्रण के स्तर  
(नियम 3 देखिए)

क्रम संख्या	निरीक्षण/ परख की विशिष्टियाँ	अपेक्षाएँ	मसूने का प्रकार	लाट प्रकार
1	2	3	4	5
<b>I. कारीगरी गई सामग्री तथा घटक</b>				
(क) दृष्टि निरीक्षण (कारीगरी तथा फिनिश सहित)	प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुसार	—प्रत्येक—	—	—
(ख) सहन सहित विमाएँ				
(i) क्रांतिक	—यथोक्त—	—यथोक्त—	अभिलेखित अन्वेषण के आधार पर निश्चित किया जाएगा	प्रत्येक लाँट
(ii) अन्य	—यथोक्त—	—यथोक्त—	—	—
(ग) कोई अन्य अपेक्षा	—यथोक्त—	—यथोक्त—	—	प्रत्येक लाँट
<b>II. विभिन्नित घटक तथा उप समंजन</b>				
(क) दृष्टि निरीक्षण (कारीगरी तथा फिनिश सहित)	प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुसार	—प्रत्येक—	—	—
(ख) सहन सहित विमाएँ				
(i) क्रांतिक	—यथोक्त—	—प्रत्येक—	अभिलेखित अन्वेषण के आधार पर निश्चित किया जाएगा	प्रत्येक लाँट
(ii) अन्य	—यथोक्त—	—यथोक्त—	—	—
(ग) कोई अन्य अपेक्षा	—यथोक्त—	—यथोक्त—	—	प्रत्येक लाँट
<b>III. समंजन</b>				
(क) कारीगरी तथा फिनिश	प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुसार	—प्रत्येक—	—	—
(ख) परखें				
(i) बाह्य परख	—यथोक्त—	—प्रत्येक—	—	—
(ii) विद्युत्प्ररोध प्रतिरोध परख	—यथोक्त—	—प्रत्येक—	—	—
(iii) उच्च वोल्टता परख	—यथोक्त—	—प्रत्येक—	—	—
(iv) तापस्थायी परख	—यथोक्त—	—प्रत्येक—	—	—
(v) लीकजन्ट दरवाजा परख	—यथोक्त—	—प्रत्येक—	—	—
(vi) निलोई समायोजन परख	—यथोक्त—	—एक—	प्रत्येक प्रकार तथा डिजाइन के (दस) 10 नम	—
(vii) निलोई कार्य परख	—यथोक्त—	—एक—	—यथोक्त—	—
(viii) बर्फ बमाले की क्षमता की परख	—यथोक्त—	—एक—	—यथोक्त—	—
(ix) भूसंपर्कन सातत्य परख	—यथोक्त—	—एक—	—यथोक्त—	—
(x) उष्मा रोधन परख	—यथोक्त—	—एक—	—यथोक्त—	—
(xi) कंपन रोधी तार-बन्ध परख	—यथोक्त—	—एक—	प्रत्येक प्रकार तथा डिजाइन के 100 नम	—
(xii) दरवाजा तथा फिटिंग परख	—यथोक्त—	—एक—	—यथोक्त—	—
(xiii) क्रियाशील पुर्जों की अभिगम्यता के लिए सुरक्षा परख	—यथोक्त—	—एक—	प्रत्येक प्रकार तथा डिजाइन के 500 नम	—
(xiv) रेडियो बाधा मापन	—यथोक्त—	—एक—	—यथोक्त—	—
(xv) गैल्वेनोमीटर परख	—यथोक्त—	—एक—	—यथोक्त—	—
(xvi) खाद्य के संदूषण की परख	—यथोक्त—	—एक—	—यथोक्त—	—
<b>परिरक्षण</b>				
(क) विद्युत् लेपन				
(i) आसंजन	—यथोक्त—	—एक—	प्रत्येक क्षेत्र का उत्पादन	—
(ii) मोटाई	—यथोक्त—	—एक—	—यथोक्त—	—
(iii) साधारण प्रतिरोध	—यथोक्त—	—एक—	—यथोक्त—	—
(ख) पैकिंग				
(i) नम्यता तथा आसंजन	प्रयोजन के लिए मान्यता प्राप्त विनिर्देशों के अनुसार	—एक—	प्रत्येक सैयार घोल	—
(ii) खरोब दृढ़ता	—यथोक्त—	—यथोक्त—	—यथोक्त—	—
(iii) संभारण प्रतिरोध	—यथोक्त—	—यथोक्त—	—यथोक्त—	—
(iv) प्रकाश प्रतिरोध	—यथोक्त—	—यथोक्त—	प्रत्येक प्रकार का प्रत्येक परेक्षण	—
(v) चमक	—यथोक्त—	—यथोक्त—	—यथोक्त—	—
<b>V पैकिंग</b>				
(i) रोलिंग परख	—यथोक्त—	—एक पैकेज—	प्रत्येक परेक्षण	—
(ii) जलफुहार परख	—यथोक्त—	—एक पैकेज—	प्रत्येक परेक्षण	—



## ORDER

**S.O. 1407.**—Whereas the Central Government is of opinion that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient so to do for the development of export trade of India that domestic refrigerators shall be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within thirty days of the date of publication of this Order in the Official Gazette to the Export Inspection Council, "World Trade Centre", 14/1-B, Ezra Street, 7th floor, Calcutta-1

## PROPOSALS

- (1) To notify that domestic refrigerators shall be subject to quality control and inspection prior to export;
- (2) To specify the type of quality control and inspection in accordance with the draft Export of Domestic Refrigerators (Quality Control and Inspection) Rules, 1973, set out in the Annexure to this Order as the type of quality control and inspection which would be applied to such domestic refrigerators prior to export;
- (3) To recognise the Indian or any other national standard as the standard specification for domestic refrigerators;
- (4) To prohibit the export, in the course of international trade of such domestic refrigerator unless the same is accompanied by a certificate issued by any of the Export Inspection Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignment of domestic refrigerator satisfies the conditions relating to its quality control and inspection and is export-worthy.

3. In this Order "domestic refrigerator" means a complete unit comprising of a refrigerating system and insulated storage or freezing compartments of the capacity upto and including 350 litres for preserving or maintaining contents primarily for domestic use at a low degree of temperature.

## ANNEXURE

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

**1. Short title and commencement.**—(1) These rules may be called the Export of Domestic Refrigerators (Quality Control and Inspection) Rules, 1973.

(2) They shall come into force on the.....

**2. Definitions.**—In these rules, unless the context otherwise requires :—

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- (b) "agency" means any one of the Export Inspection Agencies established by the Central Government at Cochin, Madras, Calcutta, Bombay or Delhi under section 7 of the Act.
- (c) "domestic refrigerator" means a complete unit comprising of a refrigerating system and insulated storage or freezing compartments of the capacity up to and including 350 litres for preserving or maintaining contents primarily for domestic use at a low degree of temperature.

**3. Quality control and inspection.**—(1) The quality of the domestic refrigerators shall be ensured by exercising the controls at different stages of manufacture specified in sub-rule (2) together with the levels of control specified in the Table annexed to these rules.

(2) The controls at different stages of manufacture mentioned in sub-rule (1) are the following controls, namely :—

(i) **Bought out materials and components control :**

- (a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and the detailed dimensions thereof with tolerances.
- (b) The accepted consignments shall be either accompanied by a producer's test certificate corroborating the requirement of the purchase specifications or in the absence of such test certificates, samples from each consignment shall be regularly tested to check up its conformity to the purchase specifications. The producer's test certificates shall be counter-checked at least once in five consignments to verify the correctness.
- (c) The incoming consignments shall be inspected and tested for ensuring conformity to the purchase specifications against statistical sampling plan.
- (d) After the inspection and tests are carried out, systematic methods shall be adopted for proper segregation and disposal of defectives.
- (e) Adequate records in respect of the above mentioned controls shall be systematically maintained.

**(ii) Process control :**

- (a) Detailed process specifications shall be laid down by the manufacturers for various process of manufacture.
- (b) Equipment/instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.
- (c) Adequate records shall be maintained to enable the verification of the controls exercised during the process of manufacture.

**(iii) Product control :**

- (a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the standard specification. Adequate records thereof shall be maintained.
- (b) Each and every assembly shall be checked against a laid down inspection check list.

**(iv) Meteorological control :**

- (a) Gauges and instruments used in the production and inspection shall be periodically checked/calibrated and records shall be maintained in the form of a history card.

**(v) Packing control :**

A packing specification shall be laid down. The packages shall be well finished and shall have good presentability. They shall also withstand the following tests, namely :—

- (a) **Rolling test.**—The packages shall be subject to rolling on its sides either 6 metres forward and 6 metres backward or 12 metres in one direction only and shall not cause any damage to either itself or its contents.
- (b) **Water spraying test.**—The package shall be allowed to be exposed against a water spray equivalent to a normal sudden monsoon shower for five minutes and the contents inside shall not be affected.

(3) **Inspection.**—The inspection of domestic refrigerators intended for export shall be carried out with a view to seeing that the above mentioned controls have been exercised at the relevant levels satisfactorily and the domestic refrigerators conform to the standard specifications.

4. **Procedure of inspection.**—(1) The exporter shall give intimation in writing to the agency under whose jurisdiction the factory from which it is intended to export, falls and

submit along with such intimation a declaration that the consignment of domestic refrigerators has been or is being manufactured by exercising quality control measures as per controls referred to in rule 3 and that the consignment conforms to the requirements of the specifications recognised for this purpose. Complete details of contractual stipulations shall be made available to the agency wherever required.

(2) The exporter or manufacturer shall also furnish to the agency the shipping marks of identification applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the agency not less than ten days prior to the despatch of the consignments from the manufacturer's premises.

(4) On receipt of the intimation and declaration under sub-rules (1) and (2), the agency, on satisfying itself that during the process of manufacture, adequate quality controls, specified in rule 3 have been exercised and after further such inspection or testing as considered necessary to ensure conformity of the consignment to the standard specifications, shall, within ten days, issue a certificate that the consignment satisfies the conditions relating to quality control and inspection and is export-worthy. As and when required by the agency, the exporter shall supply free of charge samples of domestic refrigerators from his factory godown (s). The samples shall, however, be returned by the agency after necessary inspection and testing :

Provided that where the agency is not so satisfied, it shall, within the said period of ten days, refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

5. **Place of inspection.**—Every inspection under these rules shall be carried out at the premises of the manufacturer.

6. **Inspection fee.**—A fee at the rate of 1 per cent of c.o.b. value subject to a minimum of Rs. 100 (Rupee one hundred) shall be paid by the exporter to the agency as inspection fee.

7. **Appeal.**—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons appointed for the purpose by the Central Government.

(2) The quorum to constitute a meeting of the panel of experts shall be of its three experts.

(3) The decision of the said panel of experts on such appeal shall be final.

TABLE  
Levels of Control  
(See rule 3)

Sl. No.	Particulars of inspection/test	Requirement	Sample size	Lot size
1	2	3	4	5
<b>I. Bought out materials and components:—</b>				
(a)	Visual inspection (including workmanship and finish)	As per standard specification recognised for the purpose	Each	..
(b)	Dimensions with tolerances			
	(i) Critical	Do.	Each	..
	(ii) Others	Do.	To be fixed on the basis of recorded investigation	Each lot
(c)	Any other requirement.	Do.	Do.	Each lot
<b>II. Manufactured components sub assembly:—</b>				
(a)	Visual inspection (including workmanship and finish)	Do.	Each	..
(b)	Dimensions with tolerances			
	(i) Critical	Do.	Each	..
	(ii) Others	Do.	To be fixed on the basis of recorded investigation	Each lot
(c)	Any other requirement.	Do.	Do.	Each lot
<b>III. Assembly:—</b>				
(a)	Workmanship and finish	Do.	Each	..
(b)	Tests			
	(i) Pressure test	Do.	Each	..
	(ii) Insulation resistance test	Do.	Each	..
	(iii) High voltage test	Do.	Each	..
	(iv) Thermostat test	Do.	Each	..
	(v) Door seal test	Do.	Each	..
	(vi) No load adjustment test.	Do.	1 No.	10 Nos. each type and design.
	(vii) No load performance test	Do.	1 No.	Do.
	(viii) Ice making test	Do.	1 No.	Do.
	(ix) Earthing continuity test	Do.	1 No.	Do.
	(x) Thermal insulation test	Do.	1 No.	Do.
	(xi) Cord anchorage test	Do.	1 No.	100 Nos. each type and design
	(xii) Door and fittings test	Do.	1 No.	Do.
	(xiii) Test for accessibility of live parts	Do.	1 No.	500 Nos. each type and design
	(xiv) Radio interference measurement	Do.	1 No.	Do.
	(xv) Shelf load test	Do.	1 No.	Do.
	(xvi) Test for contamination of food	Do.	1 No.	Do.
<b>IV Preservation:—</b>				
(a)	Electroplating:—			
	(i) Adhesion	Do.	1 No.	Each batch's production
	(ii) Thickness	Do.	1 No.	Do.
	(iii) Corrosion resistance	Do.	1 No.	Do.
(b)	Painting:—			
	(i) Flexibility and adhesion	Do.	1 No.	Each mix prepared
	(ii) Scratch hardness	Do.	1 No.	Do.
	(iii) Corrosion resistance	Do.	1 No.	Do.
	(iv) Resistance to light	Do.	1 No.	Each consignment of paint purchased
	(v) Glossiness	Do.	1 No.	Do.
<b>V. Packing:—</b>				
(i)	Rolling test	Do.	1 package	Each consignment
(ii)	Water spraying test	Do.	1 package	Each design

## आवृत्ति

का. आ. 1408.—यत्तः केन्द्रीय सरकार की यह राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है कि जलशीतक (वाटर कूलर) निर्यात के पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे;

और यत्तः केन्द्रीय सरकार ने इस निमित्त नीचे दिए गए प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) द्वारा यथा अपेक्षित निर्यात निरीक्षण परिषद् को भेज दिया है;

अतः, अब, उक्त उपनियम के अनुसरण में केन्द्रीय सरकार एतद्वारा उक्त प्रस्तावों को उनसे संभाव्यतः प्रभावित होने वाले लोगों की जानकारी के लिए प्रकाशित करती है।

2. एतद्वारा सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव भेजने की बाछा करने वाला कोई व्यक्ति उससे इस आदेश के राजपत्र में प्रकाशन की तारीख से तीस दिन के भीतर निर्यात निरीक्षण परिषद् 'वर्ल्ड ट्रेड सेंटर' 14/1 बी, एजरा स्ट्रीट (सातवीं मंजिल) कलकत्ता-1 को भेज सकेगा।

## प्रस्ताव

(1) यह अधिसूचित करना कि जलशीतक निर्यात के पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे।

(2) क्वालिटी नियंत्रण और निरीक्षण के प्रकार को इस आवृत्ति के उपाबंध में दिए गए जलशीतकों के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के उस प्रकार के रूप में विनिर्दिष्ट करना, जो निर्यात के पूर्व ऐसे जलशीतकों पर लागू होगा,

(3) भारतीय या किसी अन्य राष्ट्रीय मानक को जलशीतकों के लिए मानक विनिर्देश के रूप में मान्यता देना,

(4) अन्तराष्ट्रीय व्यापार के दौरान ऐसे जलशीतक के निर्यात का तब तक प्रतिबंध करना जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित अभिकरणों में से किसी एक द्वारा दिया गया इस आदेश का प्रमाणपत्र न हो कि जलशीतक का परीक्षण इससे संबंधित क्वालिटी नियंत्रण की शर्तों को पूरा करता है तथा निर्यात योग्य है।

3. इस आदेश में "जलशीतक" से प्रशीतन प्रक्रिया द्वारा पीने के पानी को ठंडा करने के लिए यंत्र अभिप्रेत है जो अनिवार्य रूप से शीतलन यूनिट से ठंडे तथा अपशिष्ट पानी को बाहर निकालने की व्यवस्था का बना होता है और इससे संचायी तथा तात्कालिक, दोनों जलशीतकों के प्रकार सम्मिलित हैं।

## उपाबंध

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने वाले नियमों का प्रारूप।

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का नाम जलशीतकों के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 है।

(2) ये को प्रवृत्त होंगे।

2. परिभाषाएं :—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो :—

(क) "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है।

(ख) "अभिकरण" से केन्द्रीय सरकार द्वारा अधिनियम की धारा 7 के अधीन कांचीन, भद्रास, कलकत्ता, मुम्बई तथा दिल्ली में स्थापित निर्यात निरीक्षण अभिकरणों में से कोई एक अभिकरण अभिप्रेत है।

(ग) "जलशीतक" के प्रशीतन प्रक्रिया द्वारा पीने के पानी को ठंडा करने के लिए यंत्र अभिप्रेत है, 1 जो अनिवार्य रूप से शीतलन यूनिट से ठंडे तथा अपशिष्ट पानी को बाहर निकालने की व्यवस्था का बना होता है और उसमें संचायी तथा तात्कालिक, दोनों, जलशीतकों के प्रकार सम्मिलित हैं।

3. क्वालिटी नियंत्रण और निरीक्षण :—(1) जलशीतकों की क्वालिटी इन नियमों से उपाबंध साणी में दिए गए नियंत्रण के स्तरों के साथ-साथ उपनियम (2) में विनिर्दिष्ट विनिर्माण के विभिन्न प्रक्रमों पर नियंत्रणों का प्रयोग करके सुनिश्चित की जाएगी। (2) उपनियम (1) में विहित विनिर्माण के विभिन्न प्रक्रमों पर नियंत्रण निम्नीलिखित नियंत्रण हैं, अर्थात् :—

(1) खरीवी गणी सामग्री तथा घटकों का नियंत्रण :—

(क) क्रय विनिर्देश विनिर्माता द्वारा प्रयुक्त किए जाने वाली सामग्री या घटकों के गुणधर्मों तथा सहनों सहित उनकी व्यवहार विभाजों को समीक्षित करते हुए बनाए जाएंगे।

(ख) स्वीकृत परीक्षणों के साथ, या तो उत्पादनकर्ता के क्रय विनिर्देशों की अपेक्षाओं की पूर्ति करते हुए परख प्रमाणपत्र होगा या ऐसी परख प्रमाणपत्र के न होने पर प्रत्येक प्रेषक से नमूनों की परख क्रय विनिर्देशों से उनकी अनुरूपता की जांच करने के लिए निर्धारित रूप से की जाएगी। उत्पादनकर्ता के परख प्रमाणपत्रों की यथातथ्यता सत्यापित करने के लिए उनकी पांच प्रेषणों में कम से कम एक बार प्रति जांच की जाएगी।

(ग) आने वाले प्रेषणों की, सौरीस्थकीय नमूना योजना के लिए कय विनिर्देशों से अनुरूपता सुनिश्चित करने के लिए निरीक्षण और परख की जाएगी।

(घ) निरीक्षण तथा परख के लिए जाने के पश्चात्, दोषपूर्ण नगों के उचित पृथक्करण तथा निपटान के लिए प्रायिक पद्धति अपनायी जाएगी।

(ङ) उपयुक्त नियंत्रणों के बारे में, पर्याप्त अभिलेख प्रायिक रूप से रखा जाएंगे।

## (2) प्रसंस्करण नियंत्रण :—

(क) उत्पादन के विविध प्रसंस्करणों के लिए विनिर्माताओं द्वारा विस्तृत ब्यौरेवार प्रसंस्करण विनिर्देश बनाए जाएंगे।

(ख) प्रसंस्करण विनिर्देशों में दिए गए प्रक्रमों के नियंत्रण के लिए उपस्करों/माध्यमों की पर्याप्त सुविधा होगी।

(ग) विनिर्माण के प्रसंस्करण के दौरान प्रयोग किए गए नियंत्रण की जांच के लिए पर्याप्त अभिलेख रखे जाएंगे।

## (3) उत्पाद नियंत्रण :—

(क) विनिर्माता के पास मानक विनिर्देशों के अनुसार उत्पाद की परख करने की या तो स्वयं अपनी परख सुविधाएँ होंगी या जहाँ ऐसी सुविधाएँ हों, वहाँ उसकी पहुँच होगी। इसके लिए पर्याप्त अभिलेख रखे जाएंगे।

(ख) प्रत्येक समंजन की निर्धारित निरीक्षण जांच सूची के अनुसार जांच की जाएगी।

## (4) मौसम सम्बन्धी नियंत्रण :—

उत्पादन तथा निरीक्षण में प्रयुक्त मापकों और उपकरणों की नियत कालिक जांच/संशोधन किया जाएगा और बृत्तकाई के रूप में अभिलेख रखे जाएंगे।

## (5) पैकिंग नियंत्रण :—

पैकिंग विनिर्देश निर्धारित किया जाएगा। पैकजों की अच्छी फिनिश होगी और वे अच्छे प्रस्तुत करने योग्य होंगे। वे निम्नलिखित परखों भी सहन करेंगे, अर्थात् :—

(क) रोलिंग परख :—पैकजों को उसकी सतह पर या तो 6 मीटर आगे और 6 मीटर पीछे की ओर या केवल एक ही ओर 12 मीटर रोल किया जाएगा तथा इससे न तो स्वयं उसकी और न उसमें रखी हुई वस्तु की कोई हानि होगी।

(ख) जल फूँकारा परख :—पैकज को प्रोसामान्य अक्समात् मानसून वर्षण जैसे जल फूँकार में पाँच मिनट तक खुला रखा जाएगा और इससे अंदर रखी हुई वस्तु पर उसका कोई प्रभाव नहीं होगा।

3. निरीक्षण :—निर्यात के लिए आशयित जलशीतकों का निरीक्षण वह देखने के लिए किया जाएगा कि उपर्युक्त नियंत्रणों का सुसंगत स्तरों पर समाधानपूर्ण रीति से प्रयोग किया गया है और जलशीतक मानक विनिर्देशों के अनुरूप हैं।

4. निरीक्षण की प्रक्रिया :— निर्यातकर्ता जिसकी अधिकारिता के अधीन वह कारखाना आता है, जिससे निर्यात किया जाना आशयित है, इस अधिकरण को सूचना देगा और ऐसी सूचना के साथ इस आशय का घोषणा पत्र भी देगा कि जल-शीतकों का प्रेषण नियम 3 में निर्दिष्ट क्वालिटी नियंत्रणों के अनुसार क्वालिटी नियंत्रणों उपायों का प्रयोग करके निनिर्मित किया गया है अथवा किया जा रहा है तथा परंपण इस प्रयोजन के लिए मान्यताप्राप्त विनिर्देशों के अनुरूप है। संविदात्मक अनुबंध के पूरे ब्यौरे जहाँ कहीं भी आवश्यकता हो अधिकरण को उपलब्ध किये जाएंगे।

(2) निर्यात-कर्ता या विनिर्माता प्रेषण पर लगाया गया पोत परिवहन पहचान चिह्नन अधिकरण को भी देगा।

(3) उपनियम (1) के अधीन प्रत्येक सूचना तथा घोषणा विनिर्माता के परिसर से प्रेषण के भेजे जाने से कम से कम दस दिन पहले अधिकरण के कार्यालय में पहुँचेंगी।

(4) उपनियम (1) तथा (2) के अधीन सूचना तथा घोषणा प्राप्त होने पर अधिकरण, अपना समाधान कर लेने पर कि विनिर्माण के प्रसंस्करण के दौरान नियम 3 में विनिर्दिष्ट पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया गया है, तथा प्रेषण की मानक विनिर्देशों के साथ अनुरूपता सुनिश्चित करने के लिए यथा अपेक्षित समझे गए ऐसे आरीम्भक निरीक्षण या परख करने के पश्चात् 10 दिन के भीतर इस आशय का प्रमाणपत्र दे देगा कि प्रेषण क्वालिटी नियंत्रण तथा निरीक्षण से संबंधित शर्तों को पूरा करता है, और निर्यात-योग्य है। जब कभी अधिकरण को आवश्यकता होगी, निर्यात-कर्ता अपने कारखाने/गाँदाम से जल-शीतकों के नमूने बिना मूल्य देगा। तथापि, आवश्यक निरीक्षण तथा परख करने के पश्चात् अधिकरण द्वारा नमूने लौटा दिए जाएंगे :

परन्तु, जहाँ अधिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह उक्त दस दिन की अवधि के भीतर ऐसा प्रमाणपत्र देने से इंकार कर देगा तथा ऐसे इंकार की सूचना इसके लिए कारण सहित निर्यात-कर्ता को देगा।

5. निरीक्षण का स्थल :—इन नियमों के अधीन प्रत्येक निरीक्षण विनिर्माता के परिसर पर किया जाएगा।

6. निरीक्षण फीस :—पोत-पर्यन्त निःशुल्क मूल्य पर/प्रतिशत की दर से फीस, जो कि कम से कम 100 रु. (सौ रुपए) होगी, निर्यात-कर्ता द्वारा अधिकरण को निरीक्षण फीस के रूप में दी जाएगी।

7. अपील :—(1) नियम 4 के उपनियम (4) के अधीन अधिकरण द्वारा प्रमाणपत्र देने से इंकार से व्यथित कोई व्यक्ति, उसके द्वारा ऐसे इंकार की सूचना प्राप्त करने पर 10 दिन के भीतर केन्द्रीय सरकार द्वारा इसके लिए नियुक्त कम से कम तीन व्यक्तियों के विशेषज्ञों के पैनल को अपील कर सकेगा।

(2) विशेषज्ञों के पैनल की बैठक के लिए गठन के गणपूर्ति तीन विशेषज्ञों की होगी।

(3) ऐसी अपील पर उक्त विशेषज्ञों के पैनल का विनिश्चय अंतिम होगा।

**सारणी**  
नियंत्रण के स्तर  
(नियम 3 देखिये)

क्र० सं०	निरीक्षण/परख की विधि/विशेषता	अपेक्षाएं	नमूने का आकार	लॉट आकार
1	2	3	4	5

**I. खरीबी गई सामग्री तथा घटक**

(क) दृष्टि निरीक्षण (कारीगरी तथा फिनिश सहित)	प्रयोजनों के लिये मान्यता प्राप्त मानक विनिर्देशों के अनुसार	प्रत्येक		
(ख) सहन सहित विभाग				
(i) क्रान्तिक	—यथोक्त—	प्रत्येक		
(ii) अन्य	—यथोक्त—	अभिलेखित अन्वेषण के आधार पर निर्दिष्ट किया जायेगा		प्रत्येक लॉट
(ग) कोई अन्य अपेक्षा	—यथोक्त—	—यथोक्त—		प्रत्येक सॉट

**II. विनिर्मित घटक तथा उप-समंजन**

(क) दृष्टि निरीक्षण (कारीगरी तथा फिनिश सहित)	प्रयोजन के लिये मान्यता प्राप्त मानक विनिर्देशों के अनुसार	प्रत्येक		
(ख) सहन सहित विभाग				
(i) क्रान्तिक	—यथोक्त—	प्रत्येक		
(ii) अन्य	—यथोक्त—	अभिलेखित अन्वेषण के आधार पर निर्दिष्ट किया जायेगा		प्रत्येक लॉट
(ग) कोई अन्य अपेक्षा	—यथोक्त—	—यथोक्त—		प्रत्येक लॉट

**III. समंजन**

(क) कारीगरी तथा फिनिश	प्रयोजन के लिये मान्यता प्राप्त मानक विनिर्देशों के अनुसार	प्रत्येक		
(ख) परखें—				
(i) विद्युत्प्ररोधन प्रतिरोध परख	—यथोक्त—	प्रत्येक		—
(ii) उष्ण चोटता परख	—यथोक्त—	प्रत्येक		
(iii) कार्य परख	—यथोक्त—	प्रत्येक		
(iv) प्रशीतन क्षमता नियतन परख	—यथोक्त—	एक		प्रत्येक प्रकार तथा डिजाइन के 50 मग

**IV. परिरक्षण**

(क) विद्युत्-लेपन	—यथोक्त—	एक		प्रत्येक उत्पादन बैच यथोक्त
(i) आसंजन	—यथोक्त—	एक		—यथोक्त—
(ii) मोटाई	—यथोक्त—	एक		—यथोक्त—
(iii) संक्षारण प्रतिरोध	—यथोक्त—	एक		—यथोक्त—
(ख) पेंटिंग—				
(i) तन्म्यता तथा आसंजन	—यथोक्त—	एक		प्रत्येक सैयार घोल
(ii) खरोच वृद्धता	—यथोक्त—	एक		—यथोक्त—
(iii) संक्षारण प्रतिरोध	—यथोक्त—	एक		—यथोक्त—

**V. पैकिंग**

(i) रोलिंग परख	—यथोक्त—	एक पैकेट		प्रत्येक परेषण
(ii) जलफुहरा परख	—यथोक्त—	—यथोक्त—		प्रत्येक डिजाइन

## ORDER

New Delhi, the 19th May, 1973

**S.O. 1408.**—Whereas the Central Government is of opinion that in exercise of the powers conferred by section 6 of Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient so to do for the development of export trade of India that water coolers shall be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by Sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within thirty days of the date of publication of this Order in the Official Gazette, to the Export Inspection Council, "World Trade Centre", 14/1-B, Ezra Street, 7th floor, Calcutta-1.

## PROPOSALS

- (1) To notify that water coolers shall be subject to quality control and inspection prior to export;
- (2) To specify the type of quality control and inspection in accordance with the draft Export of Water Coolers (Quality Control and Inspection) Rules, 1973, set out in the Annexure to this Order as the type of quality control and inspection which would be applied to such water coolers prior to export;
- (3) To recognise the Indian or any other national standard as the standard specification for water coolers;
- (4) To prohibit the export, in the course of international trade of such water cooler unless the same is accompanied by a certificate issued by any of the Export Inspection Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignment of water cooler satisfies the conditions relating to its quality control and inspection and is export-worthy.

3. In this Order "water cooler" means a device for cooling drinking water by refrigeration process, essentially consisting of a cooling unit, arrangement for draining the cooled water and waste water, and includes both storage and instantaneous types of water coolers.

## ANNEXURE

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

1. **Short title and commencement.**—(1) These rules may be called the Export of Water Coolers (Quality Control and Inspection) Rules, 1973.

(2) They shall come into force on the.....

2. **Definitions.**—In these rules, unless the context otherwise requires :—

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- (b) "Agency" means any one of the Export Inspection Agencies established by the Central Government at Cochin, Madras, Calcutta, Bombay or Delhi under section 7 of the Act;
- (c) "Water Cooler" means a device for cooling drinking water by refrigeration process, essentially consisting of a cooling unit, arrangement for draining the cooled water and waste water, and includes both storage and instantaneous types of water coolers.

3. **Quality Control and Inspection.**—(1) The quality of the water coolers shall be ensured by exercising the controls at different stages of manufacture specified in sub-rule (2) together with the levels of control specified in the Table annexed to these rules.

(2) The controls at different stages of manufacture mentioned in sub-rule (1) are the following controls, namely :—

(i) **Bought out materials and components control :**

- (a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and the detailed dimensions thereof with tolerances.
- (b) The accepted consignments shall be wither accompanied by a producer's test certificate corroborating the requirement of the purchase specifications or in the absence of such test certificates, samples from each consignment shall be regularly tested to check up its conformity to the purchase specifications. The producer's test certificates shall be counter-checked at least once in five consignments to verify the correctness.
- (c) The incoming consignments shall be inspected and tested for ensuring conformity to the purchase specifications against statistical sampling plan.
- (d) After the inspection and tests are carried out, systematic methods shall be adopted for proper segregation and disposal of defectives.
- (e) Adequate records in respect of the above mentioned controls shall be systematically maintained.

(ii) **Process control :**

- (a) Detailed process specifications shall be laid down by the manufacturers for various processes of manufacture.

(b) Equipment/instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.

(c) Adequate records shall be maintained to enable the verification of the controls exercised during the process of manufacture.

(iii) **Product control :**

(a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the standard specification. Adequate records thereof shall be maintained.

(b) Each and every assembly shall be checked against a laid down inspection check list.

(iv) **Metrological control :**

Gauges and instruments used in the production and inspection shall be periodically checked/calibrated and records shall be maintained in the form of a history card.

(v) **Packing control :**

A packing specification shall be laid down. The package shall be well finished and shall have good presentability. They shall also withstand the following tests, namely :—

(a) **Rolling test.**—The package shall be subject to rolling on its sides either 6 metres forward and 6 metres backward or 12 metres in one direction only and shall not cause any damage to either itself or its contents.

(b) **Water spraying test.**—The package shall be allowed to be exposed against a water spray equivalent to a normal sudden monsoon shower for five minutes and the contents inside shall not be affected.

(3) **Inspection.**—The inspection of water coolers intended for export shall be carried out with a view to seeing that the above mentioned controls have been exercised at the relevant levels satisfactorily and the water coolers conform to the standard specifications.

**4. Procedure of inspection.**—(1) The exporter shall give intimation in writing to the agency under whose jurisdiction the factory, from which it is intended to export, falls and submit alongwith such intimation a declaration that the consignment of water coolers has been or is being manufactured by exercising quality control measures as per controls referred to in rule 3 and that the consignment conforms to

the requirements of the specifications recognised for this purpose. Complete details of contractual stipulations shall be made available to the agency wherever required.

(2) The exporter or manufacturer shall also furnish to the agency the shipping marks of identification applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the agency not less than ten days prior to the despatch of the consignments from the manufacturer's premises.

(4) On receipt of the intimation and declaration under sub-rules (1) and (2), the agency, on satisfying itself that during the process of manufacture, adequate quality controls, specified in rule 3 have been exercised and after further such inspection or testing as considered necessary to ensure conformity of the consignment to the standard specifications, shall, within ten days, issue a certificate that the consignment satisfies the conditions relating to quality control and inspection and is export-worthy. As and when required by the agency, the exporter shall supply free of charge samples of water coolers from his factory/godown(s). The samples shall, however, be returned by the agency after necessary inspection and testing :

Provided that where the agency is not so satisfied, it shall, within the said period of ten days, refuse to issue such certificate and communicate such refusal to the exporter alongwith the reasons therefor.

**5. Place of inspection.**—Every inspection under these rules shall be carried out at the premises of the manufacturer.

**6. Inspection fee.**—A fee at the rate of 1 per cent of f. o. b. value subject to a minimum of Rs. 100 (Rupees one hundred) shall be paid by the exporter to the agency as inspection fee.

**7. Appeal.**—(1) Any person aggrieved by the refusal of agency to issue a certificate under sub-rule (4) of rule 4, may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons appointed for the purpose by the Central Government.

(2) The quorum to constitute a meeting of the panel of experts shall be of its three experts.

(3) The decision of the said panel of experts on such appeal shall be final.



## TABLE

## LEVELS OF CONTROL

(Sec rule 3)

S. No.	Particulars of inspection/test	Requirement	Sample size	Lot size
1	2	3	4	5
<b>Bought out materials and components</b>				
(a)	Visual inspection (including workmanship and finish)	As per standard specification recognised for the purpose	Each	—
(b)	Dimensions with tolerances —			
(i)	Critical	Do.	Each	—
(ii)	Others	Do.	To be fixed on the basis of recorded investigation	Each lot
(c)	Any other requirement	Do.	Do.	Each lot
<b>II Manufactured components and sub assembly</b>				
(a)	Visual inspection (including workmanship and finish)	Do	Each	—
(b)	Dimensions with tolerances —			
(i)	Critical	Do.	Each	—
(ii)	Others	Do.	To be fixed on the basis of recorded investigation	Each lot
(c)	Any other requirement	Do.	Do.	Each lot
<b>III Assembly</b>				
(a)	Workmanship and finish	Do	Each	—
(b)	Tests—			
(i)	Insulation resistance test	Do.	Each	—
(ii)	High voltage test	Do.	Each	—
(iii)	Performance test	Do.	Each	—
(iv)	Cooling capacity rating test	Do.	1 No.	50 Nos. of each type and design
<b>IV Preservation</b>				
(a)	Electroplating—			
(i)	Adhesion	Do.	1 No.	Each batch's production
(ii)	Thickness	Do.	1 No.	Do.
(iii)	Corrosion resistance	Do.	1 No.	Do.
(b)	Painting—			
(i)	Flexibility and Adhesion	Do.	1 No.	Each mix prepared
(ii)	Scratch hardness	Do.	1 No.	Do.
(iii)	Corrosion resistance	Do.	1 No.	Do.
<b>V Packing</b>				
(i)	Rolling test	Do.	1 package	Each consignment
(ii)	Water spraying test	Do.	Do.	Each design

## आवृत्ति

And whereas objections and suggestions were invited till the 16th July, 1972 from the persons likely to be affected thereby;

And whereas copies of the said Gazette was made available to the public on 17th June, 1972;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government being of the opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby makes the following further amendment to the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 2137 dated 5th June, 1970 namely :—

In annexure II to the said notification, in the entries against serial No. 8, for the entry in column 9, the following entry shall be substituted, namely :—

"The broken bits of spratts or any other fish or mixture of other varieties of small fish, shall not be more than 6 per cent."

[No. 6(19)/71-EI&EP]

## आवृत्ति

का० प्रा० 1410—यतः केन्द्रीय सरकार की राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के विदेश व्यापार मंत्रालय की सूची मछली से संबंधित अधिसूचना सं० का० प्रा० 2137, तारीख 5 जून, 1970 में भारत के निर्यात व्यापार के विकास के लिये नीचे विनिर्दिष्ट रीति से संशोधन करना आवश्यक तथा समीचीन है, और उसने उक्त अधिनियम के अधिनियम, 1964 के नियम 11 के उप-नियम (2) द्वारा यथा अपेक्षित निर्यात निरीक्षण परिषद् को भेज दिया है;

अतः, अब, उक्त उप-नियम के अनुमरण में, केन्द्रीय सरकार उक्त प्रस्ताव को उससे सम्भाव्यतः प्रभावित होने वाली जनता को जानकारी के लिये पत्रद्वारा प्रकाशित करती है।

2. एतद्वारा सूचना दी जाती है कि जो भी व्यक्ति उक्त प्रस्ताव के बारे में कोई आक्षेप या सुझाव भेजना चाहे, तो वह उसे इस आदेश के राजपत्र में प्रकाशन की तारीख से तीन दिन के भीतर निर्यात निरीक्षण परिषद्, 'वर्ल्ड ट्रेड सेंटर', 14/1-बी, इजरा स्ट्रीट (7वीं मंजिल), कनकलता-को भेज सकेगा।

## प्रस्ताव

भारत सरकार के विदेश व्यापार मंत्रालय की अधिसूचना सं० का० प्रा० 2137, ता० 5 जून, 1970 के उपबन्ध 11 में—(क) क्रम संख्या 9

का. आ. 1409.—यतः भारत के निर्यात व्यापार के विकास के लिए, सूखी मछली के सम्बन्ध में भारत सरकार के विदेश व्यापार मंत्रालय की अधिसूचना सं. का. आ. 2137 तारीख 5 जून, 1970 में संशोधन करने के लिए कतिपय प्रस्ताव निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) द्वारा यथापेक्षित भारत सरकार के विदेश व्यापार मंत्रालय की अधिसूचना सं. का. आ. 2593, तारीख 17 जून, 1972 के अन्तर्गत भारत के राजपत्र, भाग-2, खण्ड-3, उपखण्ड (2) तारीख 17 जून, 1972 में प्रकाशित किए गए थे;

और यतः उनसे सम्भाव्यतः प्रभावित होने वाले व्यक्तियों से 16 जुलाई, 1972 तक आक्षेप और सुझाव मांगे गए थे;

और यतः उक्त राजपत्र की प्रतियां जनता को 17 जून, 1972 को उपलब्ध करा दी गई थी;

और यतः उक्त प्रारूप पर जनता से प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार ने विचार कर लिया है;

अतः, अब, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, यह राय होने पर कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है, भारत सरकार के विदेश व्यापार मंत्रालय की अधिसूचना सं. का. आ. 2137, तारीख 5 जून, 1970 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के उपबन्ध 2 में, क्रम सं. 8 के सामने की प्रविष्टियों में, स्तम्भ 9 की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

"स्प्राट्स या अन्य किसी मछली के टूटे टुकड़े या अन्य किस्म की छोटी मछलियों का मिश्रण छः प्रतिशत से अधिक नहीं होगा।"

[सं. 6/19/71-नि.नि. तथा नि.सं.]

## ORDER

S.O. 1409.—Whereas for the development of the export trade of India certain proposals for amending the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 2137 dated the 5th June, 1970 relating to dried fish, were published as required by sub-rule (2) of Rule 11 of the Export (Quality Control and Inspection) Rules, 1964 in the Gazette of India Part II, Section 3, sub-section (ii) of the Gazette of India dated the 17th June, 1972 under the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 2593 dated the 17th June, 1972.

तथा उससे सम्बन्धित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या तथा प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

**कुम्बालावा के मासक**

क्रम संख्या	किस्म	वैज्ञानिक नाम (जाति)	संक्षेप में मसाले करने की पद्धति	आकार	रूप	गंध	सूखापन	बाह्य पदार्थ	अन्य टिप्पणियाँ
1	2	3	4	5	6	7	8	9	10
'9	बालाहने-मोली	स्टालिफोरस-ट्रा	धूप में सूखी हुई लवण संसाधित न हो। सिर सहित या रहित।	बिना सिर के 4 से.मी. से अधिक	सफेद या मद रंग वाली या भयामल रंग वाली। पूर्ण-तया शेलको से ढकी हुई बहुत पतले टिशु।	स्वास्थ्यप्रद मछली की गंध जो तीखी न हो।	18 प्र.श. से अधिक नमी।	रपाटम या अन्य किसी मछली से टूटे टुकड़े या अन्य किस्म की छोटी मछ-लियों का मिश्रण 5 प्रतिशत से अधिक नहीं होगा।	.....”.

(ख) क्रम संख्या 22 तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या तथा प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

1	2	3	4	5	6	7	8	9	10
"22	कुम्बालावा रास्टेलिगर कानोगुटा	प्राते निकाली हुई होगी। लवण से संसाधित तथा सुखाई हुई।	10 से.मी. से अधिक	सफेद से हल्की पीली या हल्की भूरी।	ताजी	36 प्रतिशत से अधिक नमी	...	लवण पपड़ीकरण के सिवाय अधिकतम 4 प्रतिशत असंयुक्त लवण किन्तु धड़ जोड़ने की व्यवस्था सहित।	...

[सं० 6(19)/71-नि०नि० तथा नि० सं०]

**ORDER**

S. O. 1410.—Whereas the Central Government is of opinion that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to amend the notification of the Government of India in the Ministry of Foreign Trade, No. S.O. 2137, dated the 5th June, 1970, regarding dried fish, in the manner specified below for the development of the Export trade of India, and has forwarded the proposals in that behalf to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within thirty days of the date of publication of this order in the Official Gazette to the Export Inspection Council, "World Trade Centre", 14/1B, Ezra Street (7th floor), Calcutta-1.

**PROPOSAL**

In the notification of the Government of India in the Ministry of Foreign Trade, No. S.O. 2137, dated the 5th June, 1970 in Annexure II, — (a) for Serial Number 9 and the entries relating thereto, the following Serial Number and entries shall be substituted, namely:—

Serial No.	Variety	Scientific name (species)	Method of cure in brief	Size	Appearance	Smell	Dryage	Foreign matter	Other Remarks
1	2	3	4	5	6	7	8	9	10
"9	Valametholi	Stolephorus tri	Sundried and not salt cured. With or without head	Above 4 cm. without head	White or dull coloured or blackish coloured. Fully covered with scales. Tissues very thin.	Wholesome dried fish smell and not pungent	Moisture not exceeding 18 per cent.	Broken bits of Spratts or any other fish or mixture of other varieties of small fish, shall not be more than 5 per cent.	....”.

(b) for Serial Number 22 and the entries relating thereto, the following Serial Number and entries shall be substituted, namely:—

1	2	3	4	5	6	7	8	9	10
"22	Kumbalawa	Rastrelliger Kanagurta	Guts shall be removed. cured with salt and dried.	Above 10 cm.	White to light yellow or light brown.	Fresh	Moisture not exceeding 36%	...	Maximum 4% loose salt except encrustation but with provision to add tare.”

**का. आ. 1411.**—निर्यात (क्यालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार सूखी मछली निर्यात (निरीक्षण) नियम, 1970, में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम सूखी मछली निर्यात (निरीक्षण) संशोधन नियम, 1973 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. सूखी मछली निर्यात (निरीक्षण) नियम, 1970 के नियम 4 के उप-नियम (4) में निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात् :—

“परन्तु, जहां अभिकरण का इस प्रकार समाधान नहीं हो पाता वहां, वह उक्त तीन दिन की अवधि के अन्दर ऐसा प्रमाण-पत्र देने से इंकार कर देगा और ऐसी इंकारी के कारण बताते हुए उसकी सूचना निर्यात-कर्ता को देगा।”

[सं. 6(19)/71-नि.नि. तथा नि.सं.]

एम. के. बी. भटनागर, अव्वर सचिव.

**S.O. 1411.**—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Dried Fish (Inspection) Rules, 1970, namely:

1. (1) These rules may be called the Export of Dried Fish (Inspection) Amendment Rules, 1973.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 4 of the Export of Dried Fish (Inspection) Rules, 1970 to sub-rule (4) the following proviso shall be added, namely :—

“Provided that where the agency is not so satisfied it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter alongwith the reason, therefore.”

[No. 6(19)/71-E1&EP]

M. K. B. BHATNAGAR, Under Secy.

(मूल्य नियंत्रक, आयात-निर्यात का कार्यालय)

आवेश

नई दिल्ली, 14 मार्च, 1973

**का. आ. 1412.**—सर्वश्री हिन्दुस्तान मशीन टूल्स लि., पिंजौर को 2,29,000 रुपये (दो लाख उनसठ हजार मात्र रुपये) के लिए एक आयात लाइसेंस संख्या : आई/ए/1046573/एस/आई ए/40/एच/33-34, दिनांक 27-8-71 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुमति सीमाशुल्क प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क प्रयोजन प्रति खो गई है। आगे यह बताया गया है कि मूल सीमाशुल्क प्रयोजन प्रति को बर्बाद सीमाशुल्क प्राधिकारियों के पास पंजीकृत कराया गया था और उसका आंशिक उपयोग किया गया था। इसका उपयोग 1,72,204 रुपये तक कर लिया गया था और इस पर 86,496 रुपये शेष था।

2. इस तर्क के समर्थन में आवेदक ने चंडीगढ़ मैजिस्ट्रेट के एक प्रमाण-पत्र के साथ एक शपथपत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमाशुल्क निकासी प्रयोजन प्रति खो गई है। इसलिए, यथा संशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 की उपधारा 9(सीसी) के अंतर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री हिन्दुस्तान मशीन टूल्स लि., पिंजौर

को जारी किए गए लाइसेंस संख्या : आई/ए/1046573/एस/आई ए/40/एच/33-34, दिनांक 27-8-71 की उक्त मूल सीमाशुल्क प्रयोजन प्रति को एतद्वारा रद्द किया जाता है।

3. लाइसेंसधारी को उक्त लाइसेंस की अनुमति सीमाशुल्क प्रयोजन प्रति अलग से जारी की जा रही है।

[सं. : यू डी/22-एच/71-72/पी एल एस (ए)]

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 14th March, 1973

**S.O. 1412.**—M/s. Hindustan Machine Tools Ltd., Pinjore. were granted an import licence No. 1/A/1046573/S/IA/40/H/33-34 dated 27-8-1971 for Rs. 2,59,000/- (Two lakhs and fifty-nine thousand only). They have applied for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been lost. It is further stated that the original Customs Purposes copy was registered with the Customs authorities at Bombay and was utilised partly. It was utilised for Rs. 1,72,504/- and the balance available on it was Rs. 86,496/-.

2. In support of this contention the applicant has filed an affidavit alongwith a certificate from the Magistrate, Chandigarh. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-Clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy of licence No. 1/A/1046573/S/IA/40/H/33-34 dated 27-8-1971 issued to M/s. Hindustan Machine Tools Ltd., Pinjore, is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. UD/22-H/71-72/PLS(A)]

आवेश

**का. आ. 1413.**—सर्वश्री जनरल मैनजर, आईर्नस फॅक्ट्री, खमरिया, जबलपुर को 7,739 रुपये (सात हजार सात सौ उनतालीस रुपये मात्र) के लिए आयात लाइसेंस संख्या : जी/ए/1046962/सी/एसएस/40/एच/33-34, दिनांक 20-9-71 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुमति सीमाशुल्क प्रयोजन तथा मुद्रा विनिमय नियंत्रण प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क प्रयोजन तथा मुद्रा-विनिमय नियंत्रण प्रयोजन प्रतियां खो गई/अस्थानस्थ हो गई हैं। आगे यह बताया गया है कि मूल सीमाशुल्क प्रयोजन तथा मुद्रा विनिमय नियंत्रण प्रतियां सीमाशुल्क प्राधिकारियों के पास पंजीकृत नहीं कराई गई थीं और उनका पूरा-पूरा उपयोग नहीं किया गया है और 9-3-73 को उन पर 7,739 रुपये शेष बचा था।

2. इस तर्क के समर्थन में आवेदक ने उप-सचिव (आ. एफ.), रक्षा मंत्रालय के एक प्रमाण-पत्र के साथ एक शपथपत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमाशुल्क प्रयोजन तथा मुद्रा विनिमय नियंत्रण प्रतियां खो गई हैं। इसलिए, यथा संशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 की उपधारा 9(सीसी) के अंतर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री जनरल मैनजर, आईर्नस फॅक्ट्री, जबलपुर को जारी किए गए आयात लाइसेंस संख्या : जी/ए/1046962/सी/एसएस/40/एच/33-34, दिनांक 20-9-71 की मूल सीमाशुल्क प्रयोजन तथा मुद्रा विनिमय नियंत्रण प्रयोजन प्रतियों को एतद्वारा रद्द किया जाता है।

3. लाइसेंसधारी को उक्त लाइसेंस की अनुमति सीमाशुल्क प्रयोजन तथा मुद्रा-विनिमय नियंत्रण प्रतियां अलग से जारी की जा रही हैं।

[सं. डिफेंस/61/71-72/पी एल एस (ए)]

सरचूल सिंह, उप-मुख्य नियंत्रक

## ORDER

**S.O. 1413.**—M/s. The General Manager, Ordnance Factory, Khamaria, Jabalpur were granted an import licence No. G/A/1046962/c/xx/40/h/33.34 dated 20-9-1971 for Rs. 7,739 (Rupees seven thousand, seven hundred and thirty-nine only). They have applied for the issue of a duplicate Customs Purposes as well as Exchange Control Purposes copy of the said licence on the ground that the original Customs Purposes and Exchange Control Purposes copies have been lost/misplaced. It is further stated that the original Customs Purposes and Exchange Control copies were not registered with any Customs authorities and is unutilised fully and the balance available on it was Rs. 7,739 as on 9-3-1973.

2. In support of this contention the applicant has filed an affidavit along with a certificate from Deputy Secy. (O.F.) Ministry of Defence. I am accordingly satisfied that the original Customs Purposes and Exchange Control Purposes copies of the said licence have been lost. Therefore in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes and Exchange Control Purposes copies of licence No. G/A/1046962/c/xx/40/h/33.34 dated 20-9-1971 issued to M/s. The General Manager, Ordnance Factory, Jabalpur are hereby cancelled.

3. Duplicate Customs Purposes and Exchange Control Purposes copies of the said licence are being issued separately to the licensee.

[No. Def./61/71-72/PLS(A)]

**SARDUL SINGH, Dy. Chief Controller**

(Office of the Joint Chief Controller of Imports and Exports)

## ORDER

New Delhi, the 21st April, 1973

**S.O. 1414.**—M/s. Bhatia Commercial Company Limited, B-1, Gillander House, 8, Netaji Subhash Road, Calcutta-1, were granted Import Licence No. F/L/2631305/C/XX/42/C/33-34/A-45 dated 30-3-1972 for the import of goods attached with the licence valued Rs. 89,732. They have applied for a duplicate copy (both Exchange Control Copy and Customs Purpose Copy) of the said licence on the ground that the original licence has been lost/misplaced. It is further stated that the original licence was not registered with the Customs Authorities at any Port and was not utilised at all.

In support of their contention, the above firm have filed the necessary Affidavit as required under Para 319(I) read with Appendix-8 of the Import Trade Control Hand Book of Rules and Procedure, 1972-73. I am satisfied that the original licence No. P/L/2631305/C/XX/42/C/33-34/A-45 dated 30-3-1972 (Customs Purpose and Exchange Control Copy) has been lost/misplaced.

Therefore, in exercise of the powers conferred under Sub-Clause 9(cc) of the Import (Control) Order, 1955 dated 3-4-1972 as amended up-to-date, the Customs Purpose and Exchange Control Copy of the Licence Number P/L/2631305/C/XX/42/C/31-34/A-45 dated 30-3-1972 issued to M/s. Bhatia Commercial Co. Limited, B-1, Gillander House, 8, Netaji Subhash Road, Calcutta-1, is hereby cancelled.

[F. No. Rexp./299/GD/71/GR II]

**J. MOOKHERJEE,**

**Dy. Chief Controller  
for Jt. Chief Controller.**

(संयुक्त-मुख्य निर्यातक, आयात-निर्यात का कार्यालय)

नई दिल्ली, , 1972

## आवृत्ति

**का. आ. 1415.**—सर्वश्री दि वेस्ट दिल्ली डयाल बाग कोओपरेटिव स्टोर्स लि., बी-21/12, रमेश नगर, नई दिल्ली-15 को ईरान से सूखे फलों के आयात के लिए 2750 मूल्य का एक लाइसेंस संख्या पी/ई/0214110, दिनांक 21-3-72 प्रदान किया गया था। उन्होंने लाइसेंस की सीमाशुल्क निकासी प्रति और मुद्रा विनिमय नियंत्रण प्रति की अनुरोधों के लिए इस आधार पर आवेदन किया है कि मूल प्रतियां सीमाशुल्क प्राधिकारी से पंजीकृत कराए बिना और बिल्कुल उपयोग किए बिना अस्थानस्थ हो गई हैं।

17 G of I/73—6

2. अपने तर्क के समर्थन में आवेदकों ने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हंडबुक, 1972-73 के पैरा 318(1) के अंतर्गत यथा अपेक्षित स्टाम्प कागज पर एक शपथ-पत्र दाखिल किया है। मैं संतुष्ट हूँ कि मूल सीमाशुल्क निकासी प्रति और मुद्रा विनिमय नियंत्रण प्रति अस्थानस्थ हो गई हैं।

3. अद्यतन यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9(सी) द्वारा प्रवृत्त अधिकारों का प्रयोग करते हुए मैं 2750 रु. मूल्य के लाइसेंस पी/ई/0214110, दिनांक 21-3-1972 की सीमाशुल्क निकासी प्रति और मुद्रा विनिमय नियंत्रण प्रति रद्द करने का आदेश देता हूँ।

4. अब आवेदक के मामले पर लाइसेंस की अनुरोध जारी करने के लिए आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हंडबुक, 1972-73 के पैरा 318(1) के अनुसार विचार किया जाएगा।

[संख्या. 21(ए)(2)-4/955/ईरान/जेडी 71/पी एन 166/71/सीएलए]

डी. एस. मॉरक्रिमा, उप-मुख्य निर्यातक

कृते संयुक्त-मुख्य निर्यातक

## CANCELLATION ORDER

New Delhi, the

1972

**S.O. 1415.**—M/s. The West Delhi Dayal Bagh Cooperative Stores Ltd., B-21/12, Ramesh Nagar, New Delhi-15, were granted licence No. P/E/0214110 dated 21-3-1972 for Rs. 2750/- for the import of Dry fruits from Iran. They have applied for issue of duplicate Customs and Exchange Purpose copies of the licence on the ground that the original Custom and Exchange Control Purpose copies have been misplaced without having been registered at Customs Authority and un-utilized at all.

2. The applicant has filed an affidavit on stamped paper in support of their contention as required under para 318(1) ITC Hand Book of Rules and Procedure, 1972-73. I am satisfied that the original Customs Purpose copies and Exchange Purpose Copy have been misplaced.

3. In exercise of the powers conferred on me under clause 9(c) Import (Control) Order, 1955, dated 7-12-1955 as amended up-to-date. I order the cancellation of the Customs and Exchange Control copies of the licence No. P/E/0214110 dated 21-3-1972 for Rs. 2,750/-.

4. The applicant's case will now be considered for the issue of duplicate licence in accordance with para 318(1) of I.T.C. Hand Book of Rules and Procedure, 1972-73.

[File No. 21(a) (ii)-IV/955/Iran/J.D.'71/P.N. 166/71/CLA]  
D. S. MORKRIMA, Dy. Chief Controller  
for Jt. Chief Controller.

## आवृत्ति

नई दिल्ली, 29 दिसम्बर, 1973

**का. आ. 1416.**—सर्वश्री स्टीलवर्ल्स, 21-बी, माइन इंडस्ट्रियल इस्टेट, बहादुरगढ़ को अप्रैल-मार्च 1972 अवधि के लिए यू. के. क्षेत्र से प्राकृतिक संगंध तेल, सुगंधित रसायनों के आयात के लिए 19584 रु. एक आयात लाइसेंस सं. पी/एस/1776742 दिनांक 26-5-72 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुरोधित सीमाशुल्क कार्यसंबंधी प्रति के लिए इस आधार पर आवेदन किया है कि मूल प्रति किसी भी सीमाशुल्क प्राधिकारी के पास बिना पंजीकृत कराए और बिल्कुल उपयोग किए बिना ही खो गई/अस्थानस्थ हो गई है।

2. उपर्युक्त कथन के समर्थन में आवेदक ने आयात व्यापार नियंत्रण निगम तथा क्रियाविधि हंडबुक, 1972-73 की कंडिका 318 (2) के अंतर्गत अपेक्षित शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि विषयाधीन लाइसेंस की मूल सीमाशुल्क कार्यसंबंधी प्रति खो गई/अस्थानस्थ हो गई है।

3. आयात नियंत्रण आदेश, 1965 दिनांक 7-12-1955 की धारा 9(सी सी) के अंतर्गत मरे लिए प्रदत्त अधिकारों का प्रयोग कर मैं लाइसेंस सं. पी/एस/1776742 दिनांक 26-5-72 की मूल सीमाशुल्क कार्यसम्बन्धी प्रति को रद्द करने का आदेश देता हूँ।

4. आवेदक को अब आयात व्यापार नियंत्रण नियम तथा क्रिया-विधि हॉडबुक, 1972-73 की क्रीडका 318 (4) की व्यवस्थाओं के अनुसार उपर्युक्त लाइसेंस की अनुलिपि सीमाशुल्क कार्यसम्बन्धी प्रति जारी की जा रही है।

[संख्या पी./एस./99(एन)/ए.एम. 72/ए.यू.-एच-एच./सी.एल.ए.]

New Delhi, the 29th December, 1972

### ORDER

**S.O. 1416.**—M/s. Steel Bros., 21-B, Modern Industrial Estate, Bahadurgarh were granted import licence No. P/S/1776742 dated 26-5-1972 for Rs. 19,564/- on U.K. Area for import of Natural Essential Oil, Aromatic Chemicals for AM. 72 period. They have applied for issue of duplicate of Customs Purposes copy of the licence on the ground that original copy has been lost/misplaced without having been registered with any Customs Authority and utilised at all.

2. The applicant has filed an affidavit in support of the above statement, as required under para 318(2) of I.T.C. Hand Book of Rules and Procedure, 1972-73. I am satisfied that the original Customs Purposes copy of the licence, in question, has been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Control Order, 1955 dated 7th Dec. 1955, I order the cancellation of the original Custom Purposes copy of Licence Number P/S/1776742 dated 26-5-72.

4. The applicant is now being issued duplicate custom purposes copy of this licence in accordance with the provisions of para 318(4) of I.T.C. Hand Book of Rules and Procedure, 1972-73.

[File No. P/S/99(N)/AM. 72/AU. HH/CLA/3644]

### आदेश

नई दिल्ली, 8 फरवरी, 1973

का. आ. 1417.—सर्वश्री विकटर टूल्स कार्पोरेशन, इ-8 इंडस्ट्रियल एरिया, जलन्धर को 190245 रु. का एक लाइसेंस सं. पी/एस/1730993 दिनांक 6-3-72 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि सीमाशुल्क कार्यसम्बन्धी प्रति के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क कार्यसम्बन्धी प्रति किसी भी सीमाशुल्क कार्यालय में पंजीकृत कराए बिना ही और बिल्कुल उपयोग किए बिना ही खो गई/अस्थानस्थ हो गई है।

2. अपने तर्क के समर्थन में आवेदक ने आयात व्यापार नियंत्रण नियम तथा क्रिया विधि हॉडबुक, 1972-73 की क्रीडका 318(1) जिसे परिशिष्ट 8 के साथ पढ़ें, के अंतर्गत अधीक्षित स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि मूल सीमाशुल्क कार्यसम्बन्धी प्रति अस्थानस्थ हो गई है।

3. अद्यतन आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-55 की धारा 9 (सी.सी.) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर मैं लाइसेंस सं. पी./एस./1730993 दिनांक 6-3-72 की सीमाशुल्क कार्यसम्बन्धी प्रति को रद्द करने का आदेश देता हूँ।

4. आवेदक को अब लाइसेंस की सीमाशुल्क कार्यसम्बन्धी प्रति जारी करने के मामले पर आयात व्यापार नियंत्रण नियम तथा क्रिया

विधि हॉडबुक, 1972-73 की क्रीडका 318(1) के अनुसार विचार किया जाएगा।

[सं. पी./वी/4/ए.एम. 72/ए. 4781 यू.पी.बी.सी.एल. ए. का. आर. धीर, उप मुख्य नियंत्रक  
के संयुक्त मुख्य नियंत्रक]

### CANCELLATION ORDER

New Delhi, the 8th February, 1973

**S.O. 1417.**—M/s. Victor Tools Corporation, E-8, Industrial Area, Jullundur were granted licence No. P/S/1730993 dated 6-3-72 for Rs 1,90,245. They have applied for issue of duplicate Custom purpose copy of the licence on the ground that the original Custom Copy of the licence have been misplaced/lost without having been registered with any customs house and un-utilized at all.

2. The applicant has filed an affidavit on stamped paper in support of their contention as required under para 318(1) read with appendix 8 of the ITC Hand Book of Rules and Procedure, 1972-73. I am satisfied that the original Custom Copy have been misplaced.

3. In exercise of the powers conferred on me under clause 9(cc) import (Control) Order 1955, dated 7-12-55 as amended up-to dated. I order the cancellation of the Custom Copy of licence No. P/S/1730993 dated 6-3-72.

4. The applicants case will now be considered for the issue of Custom purpose of the licence in accordance with para 318(1) of ITC Hand Book of Rules and Procedure, 1972-73.

[F. No. P/V/4/AM. 72/AU.PB.CLA. 4781]

K. R. DHEER, Dy. Chief Controller  
for Jt. Chief Controller.

### पेट्रोलियम और रसायन मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 3 मई, 1973

का. आ. 1418.—यतः केंद्रीय सरकार को यह प्रतीत होता है कि लोकीहित में यह आवश्यक है कि गुजरात राज्य में डी. एस. बी. ई. ओ. से बी. ई. जे. 3 लाइन तक पेट्रोलियम के परिवहन के लिए पाइपलाइन रेल तथा प्राकृतिक गैस आयोग नवागांव परिवोजना द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्बद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्त कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी, — — — — — तेल तथा प्राकृतिक गैस आयोग, निर्माण और वस्त्राल प्रभाग, मकरपुरा रोड, बरोवा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकता है।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनियमित: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिशः

हो या किसी विधि व्यवसायी की मारफत ।

अनुसूची

बी एस बी ई प्रो से बी ई जे—जी जी एस III लाइन तक पाइपलाइन

राज्य: गुजरात	जिला: केरा	तालुका: मातर		
गांव	सर्वेक्षण सं०	हेक्टर	ए.प्रार ई	पी.ए.प्रार ई
पसोली	2561	0	4	00
	2562	0	1	25
	254	0	0	75

[सं. 12016/1/73 एस एण्ड एल]

## MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 3rd May, 1973

**S.O. 1418.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from D.S. BEO to BEJ G.G.S. III Line in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission; Nawagam Project.

AND WHEREAS it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

PROVIDED THAT any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9.

AND every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

### SCHEDULE

For Laying Pipeline From D.S. Beo to Bej—G.G.S. III Line

State : Gujrat	District : Kajra	Taluka : Ma ar		
Village	Survey No.	Hectare	Arc	P.Arc.
PANSOLI	256/1	0	4	00
	256/2	0	4	25
	254	0	0	75

[No. 12016/1/73-L&L]

का० प्रा० 1418—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि हस्तिना पोर्ट (जिला मिर्जापुर) और पश्चिम बंगाल राज्य में भारतीय तेल निगम (पाइपलाइन्ज) के राजबन्ध वितरण केन्द्र (जिला बरदवान) के बीच पेटोलियम उत्पादों के परिवहन के लिए पाइपलाइन भारतीय तेल निगम (पाइपलाइन्ज) द्वारा बिछाई जाने चाहिए और कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्जित भूमि उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब, पेटोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ;

उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए प्राक्षप भारतीय तेल निगम लि० (पाइपलाइन्ज) के कार्यालय में सक्षम प्राधिकारी 14 ली रोड, कलकत्ता 20 को इस अधिसूचना की तारीख से 31 दिनों के भीतर कर सकेगा। ऐसा प्राक्षेप करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्ति हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

पुलिस स्टेशन : बरदवान

जिला : बरदवान

मौजा नाम	प्लॉट संख्या	सीमा क्षेत्र		भूमि का विवरण
		एकड़ों में	ए.प्रार ई.एस.में	
नूतनग्राम (ज०एस० 12)	1416	0.01	0.40	पश्चिम
	1460	0.015	0.60	दक्षिण
	1467	0.065	2.63	मध्य
	1476	0.09	3.64	उत्तर

[सं० 12017/1/73 एस एण्ड एल]

आर. एन. चोपड़ा, अवर सचिव।

**S.O. 1419.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Products between the Haldia Port (District—Midnapore) and Rajbandh Delivery Point (District—Burdwan) of Indian Oil Corporation Limited (Pipelines) in West Bengal State, pipelines should be laid by the Indian Oil Corporation Limited (Pipelines) and that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the said land may within 21 (twenty-one) days from the date of this Notification object to the laying of pipelines under the land, to Competent Authority at 14, Lee Road, Calcutta-20, in the office of the Indian Oil Corporation Limited (Pipelines). Every person making such an objection shall also state specifically whether he wished to be heard in person or by legal practitioner.

### SCHEDULE

Police Station : Burdwan, District : Burdwan (West Bengal)

Name of Mouza	Plot No.	Extent (Area)		Description of land
		in acres	in ares	
Nutangram (J.L.12)	1416	0.01	0.40	West
	1460	0.015	0.60	South
	1467	0.065	2.63	Middle
	1475	0.09	3.64	North

[12017/1/73- L & L]

R. N. CHOPRA, Under Secy.

नई दिल्ली, 3 मई, 1973

का. आ. 1420.—यतः भारत सरकार के पेट्रोलियम और रसायन तथा खान और धातु मंत्रालय (पेट्रोलियम विभाग) के संकल्प सं. 28(2)/70-ओ. आर. तारीख 22 अगस्त, 1970 के अनुसरण में, उक्त संकल्प के पैरा 2 में विनिर्दिष्ट निर्देश के निबन्धनों में यथा उपवर्णित विभिन्न विषयों की जांच करने और उन पर रिपोर्ट देने के लिए एक आयोग गठित किया गया है,

और यतः केन्द्रीय सरकार ने जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 11 के अधीन, भारत सरकार के पेट्रोलियम और रसायन तथा खान और धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना सं. का. आ. 1682, तारीख 20 मार्च, 1971 द्वारा यह निर्देश दिया था कि उक्त अधिनियम के सभी उपबंध उक्त आयोग को लागू होंगे।

और यतः 1972 की सिविल रिट पिटीशन सं. 464 में दिल्ली उच्च न्यायालय ने उक्त संकल्प के पैरा 2 के खंड (1) के विलोप का निर्देश दिया है और आयोग को यह निर्देश देते हुए एक परमादेश जारी किया है कि वह पूर्वोक्त खण्ड द्वारा यथा अनु-ध्यात कोई सिफारिश न करें,

और यतः केन्द्रीय सरकार ने, भारत सरकार के पेट्रोलियम और रसायन मंत्रालय की अधिसूचना सं. 28 (2)/70-ओ आर, तारीख 25 अक्टूबर, 1971 द्वारा उक्त पैरा 2 के खंड (अ) और (ज) को क्रमशः उस पैरा के खण्ड (ठ) और (ड) के रूप में पुनः अक्षरंकित किया था,

अतः अब, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 द्वारा प्रवृत्त शक्तियाँ और इस विषय में उसे समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, निर्देश देती है कि भारत सरकार के पेट्रोलियम और रसायन तथा खान और धातु मंत्रालय (पेट्रोलियम विभाग) के संकल्प सं. 28 (2) 70-ओ आर, तारीख 22 अगस्त, 1970 में निम्नीलिखित और संशोधन किया जाएगा, अर्थात् :—

उक्त संकल्प में, पैरा 2 में खण्ड (ठ) का लोप किया जाएगा और खण्ड (ड) को खण्ड (ठ) के रूप में पुनः अक्षरंकित किया जाएगा।

[सं. फा. 28(10)/72-ओ आर-1]

बी. आर. प्रभाकर, उप सचिव

New Delhi, the 3rd May, 1973

S.O. 1420.—Whereas in pursuance of Resolution of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) No. 28(11)/70-OR, dated the 22nd August, 1970, a Commission has been set up to inquire into and report on various matters as set out in the terms of reference specified in paragraph 2 of the said Resolution;

AND WHEREAS the Central Government had, by notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) No. S. O. 1682, dated the 20th March, 1971 under section 11 of the Commissions of Inquiry Act, 1952 (60 of 1952), directed that all the provisions of the said Act shall apply to the said Commission;

AND WHEREAS in Civil Writ Petition No. 464 of 1972 the High Court of Delhi has directed deletion of clause (i) of paragraph 2 of the said Resolution and has issued a mandamus directing the Commission not to make any recommendations as contemplated by the aforesaid clause;

AND WHEREAS the Central Government had, by notification of the Government of India in the Ministry of Petroleum and Chemicals No. 28(11)/70-OR, dated the 25th

October, 1971, relettered clauses (i) and (j) of the said paragraph 2 as clauses (l) and (m) respectively of that paragraph;

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), and all other powers hereunto enabling, the Central Government hereby directs that the following further amendment shall be made in the Resolution of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) No. 28(11)/70-OR, dated the 22nd August, 1970, namely:—

In the said Resolution, in paragraph 2, clause (l) shall be omitted and clause (m) shall be relettered as clause (l).

[No. F. 28(10)/72-OR. I]

B. R. PRABHAKAR, Deputy Secy.

औद्योगिक विकास मंत्रालय

विज्ञान और प्रौद्योगिकी

नई दिल्ली, 14 मई, 1973

का० आ० 1421—ट्रक्टर (मूल्य नियंत्रण) आदेश, 1967 के खण्ड 4 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, फोर्ड (3000) (46 अश्व-शक्ति) कृषि ट्रक्टर का मूल्य 35,595/- रु० नियत करती है, जो तुरन्त प्रभावी होगा और भारत सरकार के औद्योगिक विकास मंत्रालय की अधिसूचना सं० का० आ० 135 (ई), तारीख 11 फरवरी, 1972 में निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अधिसूचना में, क्रम सं० 6 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम सं० अंतःस्थापित की जाएगी, अर्थात्—

1	2	3	4	5
"7	6 00×16, 4	46 अश्व शक्ति	मैसर्स एस्कर्ट	35,595/-
	प्लॉई वाले अगले	4 स्ट्रोक	ट्रक्टर लिमि-	रु०"
	टायरों और 13.6	3 सिलिण्डर	टेड, 18/4,	
	12×28, 4 प्लॉई	जल-शीतित	मथुरा रोड,	
	वाले पिछले टायरों	डीजल इंजन।	फरीदाबाद	
	से फिट किये हुए		(हरियाणा)।	
	'फोर्ड-3000' कृषि-			
	डीजल इंजन ट्रक्टर।			

[फा. सं. ए. ई. औद्योगिक II/5/52/70]

एस. एम. घोष, संयुक्त सचिव

MINISTRY OF INDUSTRIAL DEVELOPMENT  
SCIENCE AND TECHNOLOGY

New Delhi, the 4 May, 1973

S. O. 1421—In exercise of the powers conferred by clause 4 of the Tractors (Price Control) Order, 1967, the Central Government hereby fixes with immediate effect the price of Ford (3000) (46HP) agricultural tractor at Rs. 35,595/- and makes the following amendment in the notification of the Government of India, in that Ministry of Industrial Development No. S.O. 135(E), dated the 11th February, 1972, namely :

In the said notification, after serial No. 6 and the entries relating thereto, the following Serial No. shall be inserted, namely :

1	2	3	4	5
"7.	'Foord-3000' agricultural diesel engine tractor, fitted with 6.00x16, 4ply front tyres and 13.6/12x28, 4 ply rear tyres.	46 HP 4 stroke 3 cylinder water-cooled diesel engine.	M/s. Excort Tractors Ltd, 18/4 Mathura Road, Faridabad (Haryana)	Rs. 35,595

[F.No. AEInd-II/5/52/70]

S.M. GHOSH, Joint Secy.



## (पूर्ति मंत्रालय)

नई दिल्ली, 30 अप्रैल, 1973

का. आ. 1422.—संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति, पूर्ति और निपटान महानिदेशालय के प्रादेशिक कार्यालयों में सहायक निदेशक (प्रशासन) (ग्रेड 1 और ग्रेड 2) के भर्ती नियम, 1970 में, जो भारत सरकार, पूर्ति मंत्रालय की अधिसूचना सं. 30/35/70-स्थापना-1, दिनांक 19 मार्च, 1971 में प्रकाशित हुए थे, संशोधन करने के लिए एतद् द्वारा निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) ये नियम पूर्ति और निपटान महानिदेशालय के प्रादेशिक कार्यालयों में सहायक निदेशक (प्रशासन) (ग्रेड-1 और ग्रेड-2) भर्ती (संशोधन) नियम, 1973 कहें जायेंगे।

(2) ये नियम शासकीय राजपत्र में प्रकाशित होने की तारीख से लागू होंगे।

2. पूर्ति और निपटान महानिदेशालय के प्रादेशिक कार्यालयों में सहायक निदेशक (प्रशासन) (ग्रेड-1 और ग्रेड-2) भर्ती नियम 1971 की अनुसूची में क्र. सं-2 के स्तम्भ 11 में दी गई प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ की जायेंगी, अर्थात्:—

“(1) प्रादेशिक कार्यालयों के अधीक्षक, जिन्हें उन कार्यालयों में स्थायी पदों पर धारणाधिकार प्राप्त हैं तथा जिन्होंने अधीक्षक ग्रेड में कमसे-कम तीन वर्ष सेवा की हो; और

(2) प्रादेशिक कार्यालयों के प्रधान लिपिक, जिन्हें उन कार्यालय में स्थायी पदों पर धारणाधिकार प्राप्त हैं तथा जिन्होंने प्रधान लिपिक के ग्रेड में कम से कम पांच वर्ष सेवा की हो।”

[सं. 30/35/70-स्थापना-1]

शिव शंकर खत्री, अवर सचिव

## MINISTRY OF SUPPLY

New Delhi, the 30th April, 1973

S.O. 1422.—In exercise of the powers conferred by the proviso to article 309 of the constitution the President hereby makes the following rules to amend the Assistant Director (Administration) (Grade I and Grade II) in the Regional Offices of the Directorate General of Supplies and Disposals Recruitment Rules, 1971, published with the notification of the Government of India, in the Ministry of Supply No. 30/35/70-ESI dated the 19th March, 1971, namely:—

1. (1) These Rules may be called the Assistant Director (Administration) (Grade I and Grade II) in the Regional Offices of the Directorate General of Supplies and Disposals Recruitment (Amendments) Rules, 1973.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Assistant Director (Administration) (Grade I and Grade II) in the Regional Offices of the Directorate General of Supplies and Disposals Recruitment Rules, 1971 against S. No. 2, in column 11, for the existing entries the following entries shall be substituted, namely:—

(i) Superintendents in Regional Offices, who hold lien on a permanent post in those offices with at least 3 years' service in the grade of Superintendent; and

(ii) Head-clerks in Regional Offices, who hold lien on a permanent post in those offices with at least five years' service in the grade of Head-clerk.”

[No. 30/35/70-ESI]

S. S. KSHETRY, Under Secy.

## स्वास्थ्य और परिवार नियोजन मंत्रालय

(स्वास्थ्य विभाग)

## शुद्धि-पत्र

नई दिल्ली, 3 अप्रैल, 1973

विषय:—खैराती विन्यास—लेडी हाइडिंग मीडिला और बाल अस्पताल दिल्ली निधि—22,000 रुपए के चार, प्रतिशत वाले दस वर्षीय खजाना बचत जमा प्रमाणपत्र का ऋण-मोचन।

का. आ. 1423.—इस मंत्रालय के 11 जनवरी, 1973 की सप्त संख्यक अधिसूचना के प्रथम पैरा के अंतर्गत “धारा (4) की उपधारा (1) द्वारा” प्रविष्टि के स्थान पर कृपया “धारा (10) की उपधारा (2) द्वारा” पढ़ें।

[सं. वी 21020/12/72 एम. ई. (यू. जी.)]

प्रताप मुखोपाध्याय, अवर सचिव

## MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Health)

## CORRIGENDUM

New Delhi, the 3rd April, 1973

Subject:—Charitable Endowments—L.H.M. for Women and Children Delhi Fund—Redemption of 4 per cent Ten Year Treasury Saving Deposit Certificate for Rs. 22,000/-.

S.O. 1423.—For the entry “by sub-section (1) of Section (4)” acquiring in this Ministry's notification of even number dated the 11th January, 1973, in the first para, please read “by Sub-Section (2) of Section (10)”.

[No. V. 21020/12/72-ME(UG)]

P. MUKHOPADHYAY, Under Secy.

नई दिल्ली, 8 मई, 1973

का. आ. 1424.—यतः भारतीय चिकित्सा परिषद् अधिनियम, 1956 की धारा 3 की उपधारा (1) के खण्ड (ख) के उपबंधों का अनुसरण करते हुए मराठा विश्वविद्यालय के कोर्ट सदस्यों द्वारा डा. एम. आर. धामधेड़े जो उक्त अधिनियम की धारा 7 की उपधारा (3) के अधीन अब सदस्य नहीं रहे, के स्थान पर औरंगाबाद मेडिकल कालेज के डीन डा. वी. जी. गाला को 5 मार्च, 1973 से इस परिषद् का सदस्य निर्वाचित किया गया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंधों का अनुसरण करते हुए केंद्रीय सरकार एतद्वारा भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या 5-13/59-चि. 1 में और आगे निम्नलिखित संशोधन करती है:—

उक्त अधिसूचना में क्रम संख्या 23 में “धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित” शीर्षक के अंतर्गत उल्लिखित प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रख ली जाय:—

“डा. वी. जी. गाला,

डीन, मेडिकल कालेज,

औरंगाबाद”।

[संख्या : वी. 11013/1/72 एम. पी. वी.]

New Delhi, the 8th May, 1973

**S.O. 1424.**—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1965, Dr. V. G. Ganla, Dean, Medical College, Aurangabad, has been elected by the members of the Court of the Marathwada University with effect from the 5th March, 1973 vice Dr. M. R. Dhamdhare who has ceased to be a member under sub-section (3) of section 7 of the said Act;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, namely :—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3", for the entry against serial No. 23, the following entry shall be substituted namely :—

"Dr. V. G. Ganla,  
Dean, Medical College, Aurangabad".

[No. V. 11013/1/72-MPT]

**का. आ. 1425.**—यतः भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (ख) के उपबंधों का अनुसरण करते हुए डा. एम. एन. भट्टाचार्य प्रधानाध्यापक, असम मेडिकल कॉलेज, डिब्रुगढ़ को डिब्रुगढ़ विश्व-विद्यालय द्वारा 30 जून, 1972 से भारतीय चिकित्सा परिषद् का सदस्य निर्वाचित किया गया है।

अब अतः उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंधों का अनुसरण करते हुए केन्द्रीय सरकार एतद्वारा निर्देश देती है कि डा. एम. एन. भट्टाचार्य जिनका नाम भारत सरकार स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या 5-13/59-चि. 1 में क्रम संख्या 35 पर "धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित" शीर्षक के अंतर्गत आता है, 30 जून 1972 से आगामी पाँच वर्ष के लिए अथवा जब तक उनका उत्तराधिकारी निर्वाचित नहीं कर लिया जाता, जो भी बाद में हो, भारतीय चिकित्सा परिषद् का सदस्य बने रहेंगे।

[सं. वी. 11013/1/72 एम. पी. टी.]

**S.O. 1425.**—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. M. N. Bhattacharyya, Principal, Assam Medical College, Dibrugarh, has been elected by the Dibrugarh University to be a member of the Medical Council of India with effect from the 30th June, 1972;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby directs that Dr. M. N. Bhattacharyya, whose name appears at serial No. 35 under the heading "Elected under clause (b) of sub-section (1) of section 3" in the notification of the Government of India in the Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, shall continue to be a member of the Medical Council of India for a further period of five years or until his successor is elected, whichever is longer with effect from the 30th June, 1972.

[No. V. 11013/1/72-MPT]

**का. आ. 1426.**—यतः दन्त चिकित्सा अधिनियम, 1948 की धारा 3 के खण्ड (घ) के उपबंधों का अनुसरण करते हुए गुजरात विश्वविद्यालय द्वारा राजकीय दन्त चिकित्सा कालेज एवं अस्पताल के पेरियोडोन्शिया के प्रोफेसर डा. सी. पी. बोधानी, एम. डी. एस., डी. पी. डी. को 22 फरवरी, 1973 से भारतीय दन्त चिकित्सा परिषद् का सदस्य निर्वाचित किया गया है।

अब, अतः उक्त अधिनियम की धारा 3 का अनुसरण करते हुए केन्द्रीय सरकार एतद्वारा भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की 17 अक्टूबर, 1962 की अधिसूचना संख्या 3-2/62-चि. 2 में आगे और निम्नीलिखित संशोधन करती है :—

उक्त अधिसूचना में क्रम संख्या 12 में उल्लिखित प्रीविष्ट के स्थान पर "धारा 3 के खण्ड (घ) के अधीन निर्वाचित" शीर्षक के अंतर्गत निम्नीलिखित प्रीविष्ट अन्तः स्थापित कर ली जाए :—

"डा. सी. पी. बोधानी, एम. डी. एस., डी. पी. डी.

पेरियोडोन्शिया के प्रोफेसर,

राजकीय दन्त चिकित्सा कालेज एवं अस्पताल,

अहमदाबाद-16"

[सं. वी. 12013/1/72 एम. पी. टी.]

क. सती बालकृष्णा, अवर सचिव

**S.O. 1426.**—Whereas in pursuance of the provisions of clause (d) of section 3 of the Dentists Act, 1948 (16 of 1948), Dr. C. P. Boghani, M. D. S., D.P.D., Professor of Periodontia, Government Dental College and Hospital, Ahmedabad—16, has been elected by the Gujarat University to be a member of the Dental Council of India with effect from the 22nd February, 1973;

Now, therefore, in pursuance of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 3-2/62-MI, dated the 17th October, 1962, namely :—

In the said notification, under the heading "Elected under clause (d) of section 3", for the entry against serial No. 12, the following entry shall be substituted, namely :—

"Dr. C. P. Boghani, M.D.S., D.P.D.,  
Professor of Periodontia,  
Government Dental College and Hospital,  
Ahmedabad-16".

[No. V. 12013/1/72-MPT]

Km SATHI BALAKRISHNA

कृषि मंत्रालय

(सामुदायिक विकास विभाग)

नई दिल्ली, 2 मई, 1973

**का. आ. 1427.**—जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उस कालावधि का जिसके भीतर भारत संवक समाज के मामलों और लेखाओं की जांच करने के लिए भारत सरकार के सामुदायिक विकास विभाग की अधिसूचना संख्या 9 (2)/68-एल. के. के. तारीख 21 फरवरी, 1969 द्वारा नियुक्त जांच आयोग अपनी रिपोर्ट केन्द्रीय सरकार को देगा, का 31 मई, 1973 तक और बढ़ाती है।

[सं. एल. 14012/1/72-पी. सी.]

एम. ए. कुरेशी, सचिव

MINISTRY OF AGRICULTURE

(Department of Community Development)

New Delhi, the 2nd May, 1973

**S.O. 1427.**—In exercise of the powers conferred by section 3 of the Commission of Inquiry Act 1952 (60 of 1952) the Central Government hereby further extend up to 31st May, 1973, the period within which the Commission of Inquiry to look into the affairs and accounts of Bharat

Sevak Samaj, appointed by the Government of India in the Department of Community Development vide Notification No. 9(2)/68-LKK dated 21st February, 1969, shall make its report to the Central Government.

[No. L-14012/1/72-PC]  
M. A. QURAISHI, Secy.

### शिक्षा और समाज कल्याण मंत्रालय

नई दिल्ली, 26 अप्रैल, 1973

का. आ. 1428.—विश्वविद्यालय अनुदान आयोग अधिनियम, 1956 (1956 का 3) की धारा 5 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री एम. आर. धार्वी के स्थान पर जिन्होंने आयोग की सदस्यता से त्याग पत्र दे दिया है, वित्त मंत्रालय, व्यय विभाग के सचिव, श्री एच. एन. रे को इसी समय से विश्वविद्यालय अनुदान आयोग के सदस्य के रूप में नियुक्त करती है। उक्त अधिनियम की धारा 6 (4) के अनुसार, श्री रे की कार्यवाही तीन वर्ष होगी।

[सं. एफ. 9-28/73-यू-2]  
आर. एस. चिटकारा, निदेशक

### MINISTRY OF EDUCATION AND SOCIAL WELFARE

New Delhi, the 26th April, 1973

S.O. 1428.—In exercise of the powers conferred by clause (a) of Sub-Section (3) of Section 5 of the University Grants Commission Act, 1956 (3 of 1956) the Central Government hereby appoints with immediate effect Shri H. N. Ray, Secretary, Ministry of Finance, Department of Expenditure, as a member of the University Grants Commission vice Shri M. R. Yardi who has since resigned from the membership of the Commission. In accordance with Section 6(4) of the same Act, Shri Ray will hold office for a term of three years.

[No. F. 9-28/73-U-2]  
R. S. CHITKARA, Director

### नौवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

राष्ट्रिय-पत्र

नई दिल्ली, 27 अप्रैल, 1973

का. आ. 1429.—भारत के राजपत्र के भाग 2, खंड 3 के उपखंड (2) दिनांक 27 जनवरी, 1973 के पृष्ठ 301 पर प्रकाशित भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना संख्या सा. आ. 227 दिनांक 11 जनवरी, 1973 में,

प्रस्तावना में, "9 सितम्बर, 1972" के स्थान पर "जून, 1972" पढ़ा जाए।

[5-एम. टी. (5)/72]

### MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

ERRATUM

New Delhi, the 27th April, 1973

S.O. 1429.—In the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 227 dated the 11th January 1973 published at page 301 of the Gazette of India, Part II Section 3, Sub-section (ii), dated the 27th January, 1973, in the preamble 1 for "9th September, 1972" read "9th June, 1972".

[5-MT(5)/72]

नई दिल्ली, 28 अप्रैल, 1973

का. आ. 1430.—नाविक भविष्य निधि योजना, 1966 के पैरा 37 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना संख्या सा. आ. 1424 दिनांक 5-4-1972 के अतिरुमण में केन्द्रीय सरकार, नाविक भविष्य निधि के न्यासी बोर्ड के परामर्श से तथा अपने सामान्य प्रशासनिक व्यय को पूरा करने के लिए उपलब्ध निधि के साधनों को दृष्टि में रखते हुए एतद्वारा इस अधिसूचना के प्रकाशन की तारीख को उक्त योजना के पैरा 35 के अंतर्गत वे प्रशासनिक प्रभारों का 2 प्रतिशत वर पर निर्धारित करती है।

[5-एम. टी. (3)/72]

पी. के. दास, उप-सचिव

New Delhi, the 28th April, 1973

S.O. 1430.—In exercise of the powers conferred by paragraph 37 of the Seamen's Provident Fund Scheme, 1966, and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 1424, dated the 5-4-1972, the Central Government in consultation with the Board of Trustees of the Seamen's Provident Fund and having regard to the resources of the Fund available for meeting its normal administrative expenses, hereby fixes, with effect from the date of publication of this Notification, the administrative charges payable under paragraph 35 of the said Scheme, at two per cent.

[5-MT(3)/72]

P. K. DATTA, Deputy Secy.

नई दिल्ली, 8 मई, 1973

का. आ. 1431.—यतः भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) सं. सा. आ. 699 (ई) सं. एफ 37-टी ए. जी. (55)/67 दिनांक 7 नवम्बर 1972 की अधिसूचना के अन्तर्गत भारत के राजपत्र असाधारण, भाग 2 खंड 3, उपखंड (2) दिनांक 9 नवम्बर, 1972 के पृष्ठ 1883 से 1885 पर मोटर गाड़ी अधिनियम, 1939 (1939 का 4) की धारा 133 की उपधारा (1) द्वारा यथा अपेक्षित मोटरगाड़ी (राजनीतिक और कॉन्सलीय अधिकारी गाड़ी) रजिस्ट्रेशन नियम 1960 में और संशोधन करने के लिए कुछ प्रारूप नियम प्रकाशित किये गये थे और उनमें उन सभी व्यक्तियों से जिनका एतद्वारा प्रभावित होना सम्भाव्य था, जनवरी, 1973 के 20वें दिन तक आक्षेप और सुझाव मांगे गये थे।

और यतः उक्त राजपत्र जनता के लिए 16 दिसम्बर 1972 को उपलब्ध कर दिया गया था।

और यतः उक्त प्रारूप नियम के संबंध में प्राप्त आदेश और सुझावों पर केन्द्रीय सरकार ने विचार किया है।

अतः अब उक्त अधिनियम की धारा 24 ए की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा मोटरगाड़ी (राजनीतिक और कॉन्सलीय अधिकारी गाड़ी) रजिस्ट्रेशन नियम, 1960 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. इन नियमों का नाम मोटर गाड़ी (राजनीतिक और कॉन्सलीय अधिकारी गाड़ी) रजिस्ट्रेशन (संशोधन), नियम, 1973 होगा।

2. मोटर गाड़ी (राजनीतिक और कॉन्सलीय अधिकारी गाड़ी) रजिस्ट्रेशन नियम, 1960 (जिसके बाद उक्त नियम कहा गया है) के नियम 3 में उपनियम (5) के लिए निम्नलिखित प्रतिस्थापित किया जाएगा अर्थात् :- "(5) रजिस्टर करने वाला

प्राधिकारी गाड़ियों में प्रदर्शन के लिए नियम 4 में विनिर्दिष्ट रीति से सुभेदक चिन्ह जिसे इन नियमों में रजिस्ट्रेशन चिन्ह निर्दिष्ट किया गया है। उपनियम (6) या उपनियम (7) जैसी स्थिति हो के उपबंधों के अनुसार समनुदर्शित करेगा।

(6) दिल्ली में राजनीतिक मिशन अथवा काँसलीय पद अथवा उसके किसी राजनीतिक या काँसलीय अधिकारियों की मोटर गाड़ी को वह रजिस्ट्रेशन चिन्ह दिया जाएगा जिसमें "सी डी" अक्षर होंगे और इसके पहले भारत सरकार, विदेश मंत्रालय द्वारा मिशन अथवा पद की आर्बिट्रल संख्या होगी और इसके बाद निम्नलिखित ढंग से रजिस्टर करने वाले प्राधिकरण गाड़ी के आर्बिट्रल संख्या होगी, अर्थात् :—

- (1) उस सरकारी गाड़ी, जो मिशन के मुख्य अधिकारी या पदाधिकारी के उपयोग के लिए हो, को नम्बर 1 आर्बिट्रल किया जाएगा।
- (2) मिशन के मुख्य अथवा मुख्य पदाधिकारी की निजी गाड़ियों को नम्बर 1 आर्बिट्रल किया जाएगा, जिस के बाद वर्ण क्रम में अक्षर होंगे जो अक्षर 1 से आरंभ होंगे।
- (3) खण्ड (1) में उल्लिखित गाड़ियों के अलावा सरकारी गाड़ियों को नम्बर 2 से आरम्भ होकर क्रमागत नम्बर आर्बिट्रल किये जाएंगे।
- (4) मिशन अथवा पदासीन अन्य अधिकारियों की गाड़ियों को खण्ड (3) के अधीन आर्बिट्रल अंतिम नम्बर के पश्चात क्रमागत संख्या आर्बिट्रल की जाएगी।
- (5) उन गाड़ियों की जो मिशन के मुख्य अथवा पदाधिकारियों के अलावा, मिशन द्वारा अथवा उसके राजनीतिक अथवा काँसलीय अधिकारियों द्वारा प्राप्त की गई गाड़ियों को नियम 7 में विनिर्दिष्ट रजिस्ट्रेशन की अवधि के पश्चात, खण्ड (4) के अन्तर्गत आर्बिट्रल अंतिम संख्या के बाद क्रमागत संख्या आर्बिट्रल की जाएगी। तब इस बात का ध्यान नहीं रखा जाएगा कि ऐसी गाड़ियाँ मिशन अथवा पदाधिकारी अथवा उसके किसी भी अधिकारी के निजी अथवा सरकारी उपयोग के लिए हैं,

(6) खण्ड (1) से (5) तक किसी एक के भी अन्तर्गत एक गाड़ी को आर्बिट्रल नम्बर, जो ऐसी गाड़ी जिसके बचे जाने, अथवा ऐसी गाड़ी के निर्यात अथवा उसकी संख्या रद्द किये जाने के कारण प्रयोग में न लायी जाती है, उसी खण्ड के अन्तर्गत किसी ऐसी अन्य गाड़ी को आर्बिट्रल किया जा सकता है जिसके लिए उपनियम (1) के अंतर्गत आवेदन पत्र दिया गया हो।

(7) दिल्ली के बाहर काँसलीय केंद्र या इसके अधिकारियों में से किसी एक की मोटर गाड़ी को रजिस्ट्रेशन चिन्ह दिया जाएगा जिसमें "सी सी" वर्ण होंगे और इससे पहले केंद्र को आर्बिट्रल की गई वह संख्या होगी जो कि इसे भारत सरकार के विदेश मंत्रालय द्वारा दी गई है और इसके बाद वह संख्या रहेगी जो कि गाड़ी को निम्न प्रकार से उक्त केंद्र के लिए अलाट की गई संख्याओं के समूह से रजिस्ट्रेशन प्राधिकारी द्वारा दी गई है।

- (1) काँसलीय केंद्र के प्रधान के इस्तेमाल के लिए सरकारी गाड़ी को उक्त केंद्र के लिए निर्धारित संख्या समूह से पहली संख्या अलाट की जाएगी।
- (2) महा काँसल की वैयक्तिक गाड़ियों को खण्ड (1) में उल्लिखित संख्या आर्बिट्रल की जाएगी और उसके बाद क्रमानुसार वर्णक्रम से वर्ण 'ए' से शुरू होने वाला वर्ण होगा।

(3) खण्ड (1) में उल्लिखित गाड़ियों के अलावा अन्य गाड़ियों को उस केंद्र के लिए निर्धारित संख्याओं के समूह से दूसरी संख्या से शुरू होकर क्रमानुसार संख्या आर्बिट्रल की जाएगी।

(4) केंद्र के अन्य अधिकारियों की गाड़ियों को खण्ड (3) के अन्तर्गत निर्धारित अंतिम संख्या के बाद क्रमानुसार संख्या आर्बिट्रल की जाएगी।

(5) नियम 7 में विनिर्दिष्ट रजिस्ट्रेशन की अवधि के बाद केंद्र के प्रधान के अतिरिक्त केंद्र या इसके काँसलीय अधिकारियों द्वारा प्राप्त गाड़ियों को इस बात का विचार किए बिना खण्ड (4) के अन्तर्गत आर्बिट्रल की गई अंतिम संख्या के बाद क्रमानुसार संख्या आर्बिट्रल की जाएगी कि उक्त गाड़ी केंद्र या इसके किसी अधिकारी के सरकारी या व्यक्तिगत उपयोग के लिए है।

(6) खण्ड (1) से (5) में से किसी के अन्तर्गत ऐसी गाड़ी को आर्बिट्रल की गई संख्या जो कि बिक्री या निर्यात या संख्या के रद्द होने के कारण बिना उपयोग के पड़ी है उसी उसी खण्ड के अन्तर्गत उस अन्य गाड़ी को दिया जा सकता है जिसके लिए उपनियम (1) के अन्तर्गत आवेदन पत्र दिया गया है।

3. उक्त नियमों के नियम 4 के (1) उपनियम (1) में

(क) उक्त उपनियम (5) के स्थान पर "उपनियम (5) से (7) उक्त प्रतिस्थापित किये जाएंगे।

(ख) खण्ड (1) में "राजनीतिक अधिकारी की मोटर गाड़ी के मामले में", के स्थान पर "नियम 3 के उपनियम (6) के उल्लिखित मोटर गाड़ियों के मामले में" प्रतिस्थापित किया जाएगा।

(ग) खण्ड (2) में "काँसलीय अधिकारी की मोटर गाड़ी के मामले में" के स्थान पर "नियम 3 के उपनियम (7) में उल्लिखित मोटर गाड़ियों के मामले में" प्रतिस्थापित किया जाएगा।

(2) उपनियम (3) में खण्ड (1) के स्थान पर निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा, अर्थात् :—

"(1) परिवहन गाड़ी के मामले में, रजिस्ट्रेशन चिन्ह को अलग अलग क्षैतिज रेखाओं में दिखाया जाएगा मिशन या केंद्र को आर्बिट्रल की गई संख्या और प्रथम पंक्ति के वर्णों के बाद दूसरी पंक्ति में रजिस्ट्रेशन प्राधिकारी द्वारा आर्बिट्रल की गई संख्या होगी और"

5. उक्त नियमावली के नियम 6 के उपनियम (3) में "उपनियम (2), (3), (4) और (5)" के स्थान पर "उपनियम (2) से (7)" प्रतिस्थापित किया जाएगा।

6. उक्त नियमों के नियम 7 के स्थान पर निम्नलिखित नियम प्रतिस्थापित किया जाएगा, अर्थात् :—

"7 प्रवर्तमान गाड़ियों का पुनर्रजिस्ट्रेशन

मोटर गाड़ी (राजनीतिक और काँसलीय अधिकारी गाड़ियों) रजिस्ट्रेशन (संशोधित) नियम, 1973 (जिन्हें तत्पश्चात इस नियम में संशोधन नियम कहा जाएगा) के प्रारम्भ से पहले राजनीतिक मिशन या काँसलीय केंद्र या उसके अधिकारियों में से किसी एक की गाड़ी को उक्त प्रारम्भ के बाद पुनः रजिस्टर किया जाएगा और संशोधन नियमों द्वारा संशोधित इन नियमों के उपबंधों के अनुसार रजिस्ट्रेशन चिन्ह दिया जाएगा।"

[फाइल संख्या 37-टी एजी (55)/67]

एन. आर. रेड्डी, संयुक्त सचिव

New Delhi, the 8th May, 1973

**S.O. 1431.**—Whereas certain draft rules to amend the Motor Vehicles (Diplomatic and Consular Officers Vehicles) Registration Rules, 1960, were published, as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), at pages 1883 to 1885 of the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 9th November, 1972 under the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 699(E) [No. F. 37-TAG(55)/67] dated the 7th November, 1972, inviting objections and suggestions from all persons likely to be affected thereby, till the 20th day of January, 1973;

And whereas the said Gazette was made available to the public on the 16th December, 1972;

And whereas the objections and suggestions received on the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 24A of the said Act, the Central Government hereby makes the following rules to amend the Motor Vehicles (Diplomatic and Consular Officers Vehicles) Registration Rules, 1960, namely:—

1. These rules may be called the Motor Vehicles (Diplomatic and Consular Officers Vehicles) Registration (Amendment) Rules, 1973.

2. In rule 3 of the Motor Vehicles (Diplomatic and Consular Officers Vehicles) Registration Rules, 1960 (hereinafter referred to as the said rules) for sub-rule (5), the following sub-rules shall be substituted, namely:—

“(5) The registering authority shall assign to the motor vehicle for display thereon in the manner specified in rule 4, a distinguishing mark (in these rules referred to as the registration mark) in accordance with the provisions contained in sub-rule (6) or sub-rule (7), as the case may be.

(6) A motor vehicle belonging to a Diplomatic Mission or to a Consular Post in Delhi or to any of its Diplomatic or Consular Officers shall be assigned a registration mark consisting of the letters ‘CD’ preceded by the number allotted to the Mission or Post by the Ministry of External Affairs of the Government of India and followed by a number allotted to the vehicle by the registering authority in the following manner, namely:—

(i) an Official vehicle meant for the use of the Head of a Mission or Post shall be allotted the number 1;

(ii) personal vehicles of the Head of the Mission or Post shall be allotted the number 1, followed consecutively, in the alphabetical order, by a letter beginning with the letter A;

(iii) Official vehicles, other than these referred to in clause (i), shall be allotted consecutive numbers beginning with the number 2;

(iv) vehicles belonging to other Officers of the Mission or Post shall be allotted numbers in consecutive order after the last number allotted under clause (iii);

(v) Vehicles acquired by a Mission or Post, or by its diplomatic or Consular Officers, other than Heads of Missions or Posts, after the period of registration specified in rule 7, shall be allotted numbers in consecutive order after the last number allotted under clause (iv) irrespective of whether such vehicle is for official or personal use of the Mission or Post or of any of its officers.

(vi) A number allotted to a vehicle under any of the clauses (i) to (iv), which is lying unutilised due to sale or export of such vehicle or cancellation of its number may be allotted to another vehicle under the same clause in respect of which an application has been made under sub-rule (1).

(7) A motor vehicle belonging to a Consular Post outside Delhi or to any of its Officers shall be assigned a

registration mark consisting of the letters ‘CC’, preceded by the number of the Post allotted to it by the Ministry of External Affairs of the Government of India and followed by a number allotted to the vehicle by the registering authority out of a block of numbers allotted for that Post in the following manner, namely:—

(i) an official vehicle meant for the use of the Head of a Consular Post shall be allotted the first number from the block of number allotted to that Post;

(ii) personal vehicles of the Consul General shall be allotted the number referred to in clause (i), followed consecutively in the alphabetical order, by a letter beginning with the letter A;

(iii) official vehicles other than these referred to in clause (i), shall be allotted consecutive numbers beginning with the second number from the block of numbers allotted to that Post;

(iv) vehicles belonging to other Officers of the Post shall be allotted numbers in consecutive order after the last number allotted under clause (iii);

(v) vehicles acquired by a Post, or by its Consular Officers, other than the Head of the Post, after the period of registration specified in rule 7, shall be allotted numbers in consecutive order after the last number allotted under clause (iv) irrespective of whether such vehicle is for official or personal use of the Post or of any of its officers.

(vi) A number allotted to a vehicle under any of the clauses (i) to (iv), which is lying unutilised due to sale or export of such vehicle or cancellation of its number may be allotted to another vehicle under the same clause in respect of which an application has been made under sub-rule (1).

3. In rule 4 of the said rules,

(1) in sub-rule (1)—

(a) for the word, brackets and figures “sub-rule (5)”, the word, brackets and figures “sub-rules (5) to (7)” shall be substituted.

(b) in clause (i), for the words “in the case of motor vehicle of a Diplomatic Officer”, the words, brackets and figures “in the case of motor vehicles referred to in sub-rule (6) of rule 3” shall be substituted;

(c) in clause (ii), for the words “in the case of a motor vehicle of a Consular Officer”, the words, brackets and figures “in the case of motor vehicles referred to in sub-rule (7) of rule 3” shall be substituted;

(2) in sub-rule (3), for clause (i) the following clause shall be substituted, namely:—

“(i) in the case of a transport vehicle, the registration mark shall be exhibited in two separate horizontal lines, the number allotted to the Mission or Post and the letters forming the first line followed by the number allotted by the registering authority in the second line; and”

5. In sub-rule (3) of rule 6 of the said rules, for the words, brackets and figures “sub-rules (2), (3), (4) and (5)”, the words, brackets and figures “sub-rules (2) to (7)” shall be substituted.

6. For rule 7 of the said rules, the following rule shall be substituted, namely:—

“7. Re-registration of existing vehicles—

Every motor vehicle belonging to a Diplomatic Mission, or a Consular Post or to any of their officers registered before the commencement of the Motor Vehicle (Diplomatic and Consular Officers) Registration (Amendment) Rules 1973 (hereinafter in this rule referred to as the Amendment Rules) shall, within three months from such commencement, be re-registered and shall be assigned a registration mark in accordance with the provisions of these rules as amended by the Amendment Rules”.

[F. No. 37-TAG(55)/67]  
N. R. REDDY, Jt. Secy.

**निर्माण और आवास मंत्रालय**

नई दिल्ली, 4 मई, 1973

**का. आ. 1432.**—यतः केन्द्रीय सरकार ने एतद्वारा अनुसूची में उल्लिखित क्षेत्रों के बारे में दिल्ली की बृहत् योजना के जोन-डी-5 (डी. आई. जेड क्षेत्र-गोलमार्केट क्षेत्र) के जोनल विकास योजना में कतिपय संशोधनों के प्रस्ताव को दिल्ली विकास अधिनियम 1957 (1957 के 61) की धारा 44 के उपबन्धों के अनुसार 8 जनवरी, 1973 की सूचना सं. एफ-3 (139)/71-एम. पी. द्वारा प्रकाशित किया था, और उक्त अधिनियम की धारा 11-ए की उपधारा (3) द्वारा अपेक्षित आपत्तियां तथा सुझाव आमन्त्रित किए थे।

और यतः उपरोक्त अनुसूची में उल्लिखित क्षेत्र के बारे में कोई आपत्तियां व सुझाव प्राप्त नहीं हुए हैं,

अतः, अब, उक्त अधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त जोनल विकास योजना में भारत के राजपत्र में प्रकाशित होने की तिथि से एतद्वारा निम्नीलिखित संशोधन करती है, नामतः

“लगभग 0.4 हेक्टर (1 एकड़) का क्षेत्र जोन डी-5 (डी. आई. जेड एरिया गोलमार्केट क्षेत्र) की स्वीकृत विकास योजना में जोनल ग्रीन के लिए निर्दिष्ट किया गया था, जो आवासीय तथा सामुदायिक केन्द्र के क्षेत्र के बीच में तथा बेंचर्ड रोड के सामने पड़ता है, इस क्षेत्र को ‘जोनल ग्रीन’ से ‘सांस्थानिक उपयोग’ के लिए परिवर्तित किया जाना है”

**अनुसूची**

जोन डी-5 के लिए जोनल विकास योजना में बेंचर्ड रोड के सामने तथा रिहायशी क्षेत्र तथा समाज केन्द्र क्षेत्र के बीच लगभग का 0.4 हेक्टर (1 एकड़) भूमि भाग।

[सं. के-11016(8)/72-यू. डी. 11]

वी. आर. अय्यर, अवर सचिव

**MINISTRY OF WORKS AND HOUSING**

New Delhi, the 4th May, 1973

**S.O. 1432.**—Whereas certain modifications, which the Central Government propose to make in the zonal Development Plan for zone D-5 (D.I.Z. Area, Gole Market area) of Master Plan of Delhi regarding the areas mentioned in the Schedule annexed hereto, were published with Notice No. F. 3(139)71-M.P. dated the 6th January, 1973 in accordance with the provisions of section 44 of the Delhi Development Act 1957 (61 of 1957) for inviting objections and suggestions; as required by sub-section (3) of section 11A of the said Act.

And whereas no objections or suggestions have been received with regard to the areas mentioned in the aforesaid Schedule;

Now, therefore, in exercise of the powers conferred by sub-section(2) of section 11A of the said Act, the Central Government, hereby makes the following modifications in the said Zonal Development Plan with effect from the date of publication of the notification in the Gazette of India, namely;

“An area measuring about 0.4 hect. (1 acre), earmarked as zonal green in the approved zonal development plan for zone D-5(D.I.Z. Area, Gole Market Area) in between residential area and the community centre area and fronting on Baird Road to be changed from ‘zonal green’ to ‘institutional use’.

**THE SCHEDULE**

“About 0.4 hect. (1 acre) of land in between residential area and the community centre area and fronting on Baird Road in the Zonal Development Plan for zone D-5.

[No. K. 11016(8)/72 UDI]

V. R. IYER, Under Secy.

**सिंचाई और विद्युत् मंत्रालय**

नई दिल्ली, 8 मई, 1973

**का. आ. 1433.**—भारतीय बिजली अधिनियम, 1910 की धारा 36 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा सिंचाई और विद्युत् मंत्रालय की अधिरक्षणा संख्या ई. एल.-दो-8(11)/65. दिनांक 31 जुलाई, 1971 और 29 मार्च, 1972 के अनुक्रम में केन्द्रीय सरकार एतद्वारा निवेशक (वाणिज्यिक), केन्द्रीय जल और विद्युत् आयोग (विद्युत् स्कंध), नई दिल्ली का विद्युत् मंत्रालय द्वारा स्थापित किए जाने वाले अलकालाइड परियोजना, नीमच (मध्य प्रदेश) के लिए केन्द्रीय बिजली निरीक्षक नियुक्त करती है।

[संख्या बिजली-दो-4(1)/73]

एम. रामनाथन, उप निवेशक

**MINISTRY OF IRRIGATION AND POWER**

New Delhi, the 8th May, 1973

**S.O. 1433.**—In exercise of the powers conferred by sub-section (i) of section 36 of the Indian Electricity Act, 1910, and in continuation of Ministry of Irrigation and Power Notifications No. EL. II-6(11)/65, dated 31st July, 1971 and 29th March, 1972 the Central Government hereby appoints the Director (Commercial), C.P. & P.C. (Power Wing), New Delhi to be Central Electrical Inspector for Alkaloid Project Neemuch (Madhya Pradesh) being set up by the Ministry of Finance.

[No. EL. II-4(1)/73]

M. RAMANATHAN, Dy. Director

**श्रम और पुनर्वास मंत्रालय**

(श्रम और राजगार विभाग)

आवृत्त

नई दिल्ली, 21 मार्च, 1973

**का. आ. 1434.**—यतः केन्द्रीय सरकार की यह राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में विजय बैंक लिमिटेड से संबंधित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करवा वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री नारायण राय कदूर होंगे जिनका मुख्यालय बंगलौर होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्विशाल करती है।

**अनुसूची**

“क्या विजय बैंक लिमिटेड के प्रबंधक श्री के. सदानंद शेट्टी लिपिक, द्वारा विजय बैंक लिमिटेड की अलटूर शाखा में किए गए काम का विचार में रखते हुए, उसे 2 अगस्त, 1971 से 6 मास के लिए “प्रशिक्षार्थी” के रूप में नियुक्ति करने और पुनः 2 फरवरी, 1972 से परीक्षाधीन व्यक्ति के रूप में नियुक्त करने और अंत में 8 जुलाई, 1972 से उसकी सेवाएं समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं, तो वह किस अनु-तोष का हकदार है?”

[सं. एल. 12012/19/73/एल. आर-3]

**MINISTRY OF LABOUR AND REHABILITATION**  
(Department of Labour and Employment)  
**ORDER**

New Delhi, the 21st March, 1973

**S.O. 1434.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Vijaya Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Narayana Rai Kudoor shall be the Presiding Officer, with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

**SCHEDULE**

“Considering the nature of work that was being performed by Shri K. Sadananda Shetty, Clerk, in Aldur Branch of Vijaya Bank Limited, whether the action of the management of the Vijaya Bank Ltd. in appointing him as “Trainee” for 6 months from the 2nd August, 1971 and again appointing him as a Probationer from the 2nd February, 1972 and finally terminating his services from the 8th July, 1972 is justified? If not, to what relief is he entitled?”

[No. L. 12012/19/73/LR III]

**आदेश**

नई दिल्ली, 24 मार्च, 1973

**क्र. आ. 1435.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में कुजामा कोलियरी, डाकघर झरिया, जिला धनबाद के प्रबंधन-तंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, धनबाद-2 को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

**अनुसूची**

“क्या कुजामा कोलियरी, डाकघर झरिया, जिला धनबाद के प्रबंधन-तंत्र की, श्री मोहम्मद खलील, हार्ड केक भट्टी पर्यवेक्षक को, 25 दिसम्बर, 1971 से काम से रोकने की

कार्रवाई न्यायोचित है? यदि नहीं, तो सम्बन्धित कर्मकर किस अनुतोष का हकदार है?”

[संख्या एल-2012/154/72-एल. आर.-2]

**ORDER**

New Delhi, the 24th March, 1973

**S.O. 1435.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kujanta Colliery, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad-II, constituted under section 7A of the said Act.

**SCHEDULE**

Whether the action of the management of Kujanta Colliery, Post Office Jharia, District Dhanbad, in stopping work of Shri Mohamad Khalil, Hard Coke Oven Supervisor with effect from the 25th December, 1971, is justified? If not, to what relief is the concerned workman entitled?

[No. L-2012/154/72/LR II]

**आदेश**

**क्र. आ. 1436.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसूर भारत कोलिंग कोल निमिटेड की धनबाद कोलियरी, डाकघर भोवरा, जिला धनबाद के प्रबंधन-तंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, धनबाद-2 को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

**अनुसूची**

“क्या मैसूर भारत कोलिंग कोल निमिटेड की धनबाद कोलियरी, डाकघर भोवरा, जिला धनबाद के प्रबंधन-तंत्र की, भारत कोलिंग कोल निमिटेड द्वारा, कोलियरी का प्रबंध ग्रहण करने के पश्चात् निम्नलिखित कर्मचारों को 17 अक्टूबर, 1971 से एक सप्ताह में पूरे छः दिनों का काम न देना और अंततोगत्वा उनको 1 सितम्बर 1972 से काम न करने देने की कार्यवाही न्यायोचित और वैध है? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुतोष के और किस तारीख से हकदार है?”

क्रमांक सं०	कर्मकार का नाम	पदनाम
1.	श्री अशरफ अली अन्सारी	इलेक्ट्रिक हैलपर
2.	श्री सलाउद्दीन	—यथोक्त—
3.	श्री मुरली करमानर	मैकेनिकल हैलपर
4.	श्री हसलाम	—यथोक्त—
5.	श्री सलीम निह	—यथोक्त—
6.	श्री मोती राम	—यथोक्त—
7.	श्री संतोष कुमार दत्ता	इलेक्ट्रिकल हैलपर
8.	श्री रघुनन्दन विष्कर्मा	मैकेनिकल हैलपर

[संख्या एल-2012/155/72-एल. आर.-2]

## ORDER

S.O.1436—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Amlabad Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhowra, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad-II, constituted under section 7A of the said Act.

## SCHEDULE

Whether the action of the management of Amlabad Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhowra District Dhanbad in not providing full six days work in a week to the workmen mentioned below after the takeover of the colliery by the Bharat Coking Coal Limited with effect from 17th October, 1971, and ultimately stopping them from work with effect from the 1st September, 1972, is justified and legal? If not, to what relief the concerned workmen are entitled and from what date ?

S. No.	Name of the workman	Designation
1.	Shri Asraf Ali Ansari	Electric Helper
2.	Shri Salauddin	-do-
3.	Shri Murli Karmakar	Mechanical Helper
4.	Shri Islal	-do-
5.	Shri Satish Singh	-do-
6.	Shri Moti Rai	-do-
7.	Shri Santosh Kumar Dutta	Electric Helper
8.	Shri Raghunandan Bishkarma,	Mechanical Helper

[No. L-201/2/155/72 LR II]

## आदेश

नई दिल्ली, 26 मार्च, 1973

ब. आ. 1437.—यतः केन्द्रीय सरकार की राय है कि इससे उपायध्व अनुसूची में विनिर्दिष्ट विषयों के बारे में छोटाबावा कोलियरी, डाकघर बांसजोरा, जिला धनबाद के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निवेष्टित करना वांछनीय समझती है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधीकरण, धनबाद-2 को न्यायनिर्णयन के लिए निवेष्टित करती है।

## अनुसूची

“क्या छोटाबावा कोलियरी, डाकघर बांसजोरा, जिला धनबाद के प्रबन्धतंत्र की, श्री सुखानन्दर राजभार पिक. माईनर को, 4 जनवरी, 1972 से रोजगार न देने की कार्रवाई न्यायोचित है ? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार हैं ?”

[संख्या एल./2012/149/72-एल. आर.-2]

## ORDER

New Delhi, the 26th March, 1973

S.O. 1437.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Chhotabawa Colliery, Post Office Bansjora, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad-II, constituted under section 7A of the said Act.

## SCHEDULE

“Whether the action of the management of Chhotabawa Colliery, Post Office Bansjora, District Dhanbad, in denying employment to Shri Sukhanandar Rajbhar, Pick Miner, with effect from the 4th January, 1972, is justified? If not to what relief is the concerned workman entitled?”

[No. L/2012/149/72-LR II]

## आदेश

नई दिल्ली, 31 मार्च 1973

का० आ० 1438—यतः केन्द्रीय सरकार की राय है कि इससे उपायध्व अनुसूची में विनिर्दिष्ट विषयों के बारे में कुस्तोर कोलियरी, डाकघर कुस्तोर, जिला धनबाद के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निवेष्टित करना वांछनीय समझती है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधीकरण (संख्या 2), धनबाद को न्यायनिर्णयन के लिये निवेष्टित करती है।

## अनुसूची

“क्या कुस्तोर कोलियरी, डाकघर कुस्तोर, जिला धनबाद के प्रबंधतंत्र की निम्नलिखित कर्मकारों को, प्रत्येक कर्मकार के सामने उल्लिखित तत्सम्बन्धी तारीखों से काम न करने देने की कार्रवाई समु-न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष के हकदार हैं ?”

क्रम सं०	नाम	पदनाम	तारीख से
1.	श्री अधीर कुमार मण्डल	केमिस्ट के रूप में कार्य करने वाले।	5-2-72
2.	श्री कृष्ण मोहन बनर्जी	साधारण लिपिक	5-2-72
3.	श्री छवि बिस्वास	—यथोक्त—	5-2-72
4.	श्री डी० एन० गोस्वामी	सैमिलिंग प्रतिनिधि	5-2-72
5.	श्री काशीनाथ मजुमदार	—यथोक्त—	5-2-72
6.	श्री रमणीक लाल	भण्डार निगर सहायक	7-2-72
7.	श्री सम्पत कुमार बनर्जी	सर्वेक्षण शिक्षु	28-1-72

[संख्या एल-2012/136/72-एल०आर०-2]



## ORDER

New Delhi, the 31st March, 1973

S.O. 1438—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kustore Colliery, Post Office Kustore, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (d) of sub section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2) Dhanbad constituted under section 7A of the said Act.

## SCHEDULE

"Whether the action of the management of Kustore Colliery, Post Office Kustore, District Dhanbad, in stopping the following workmen from the work with effect from the respective dates mentioned against each of the workman, is justified? If not, to what relief are the workmen entitled?"

S. No.	Name	Designation	w.c.f.
1.	Sri Adhur Kumar Mandal	Working as Chemist	5-2-72
2.	Sri Krishna Mohan Banerjee	General Clerk	5-2-72
3.	Sri Chabi Biswas	-do-	5-2-72
4.	Sri D.N. Goswami	Sampling representative	5-2-72
5.	Sri Kashi Nath Mazumdar	-do-	5-2-72
6.	Sri Ramnik Lall	Store Issue Helper	7-2-72
7.	Sri Sampat Kumar Banerjee	Survey Apprentice	28-1-72

[No. L-2012/136/72-I R II]

New Delhi, the 3rd May, 1973

S.O. 1439.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on the 27th April, 1973.

[No. L. 12012/46/71/LR/III]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LABOUR COURT, JABALPUR

Jabalpur, the 4th April, 1973

## Present :

Mr. Justice S. N. Katju—Presiding Officer.

CASE REF. NO. CGIT/LC(R)(27) OF 1971

(Notification No. L. 12012/46/71/LR/III, dated 23-9-1971)

## Parties :

Employers in relation to the Punjab National Bank, Indore and its workmen, S. R. Sachdewa, Godown-Keeper, represented by the Association of Punjab National Bank Employees, Rajasthan, Imperial Road, Ajmer.

## Appearances :

For Bank—Shri R. P. Raizada, Staff Officer.

For workmen—Sri C. L. Bharadwaj, General Secretary.

All India Punjab National Bank Employees Association.

Industry: Bank

District: Indore (M.P.)

## AWARD

This is a reference under Section 10(1)(d) of the Industrial Disputes Act (hereinafter called the Act).

The question referred to this Tribunal for its consideration is:—

"Whether Shri S. R. Sachdewa, Godown-keeper, who functioned in the Kherali Godown under the Nadbai office of the Branch of Punjab National Bank, Indore, with effect from the 26th May, 1970 to March, 1971, is entitled to payment of House rent allowance or office rent allowance? If so, at what rate and for what period?"

It was alleged on behalf of the workman, S. R. Sachdewa, that he was a permanent employee of the Bank and was designated as Clerk-cum-Godown keeper. He was transferred from Beawar and posted at Kherali outstation Godown where he took charge on 26-5-1971. There was no office premises at Kherali. He had been given Bank furniture, records, stationery, locks etc. for proper performance of his duties at Kherali. He hired a room where he kept all the records and furniture of the Bank and according to him, he had to incur an extra expenditure of Rs. 50 per month. He has prayed that the management of the Punjab National Bank be directed to pay him Rs. 50 per month from 26-5-1970 to March, 1971. In its reply the Bank contended that the dispute was an individual dispute and not an industrial dispute as it had neither been raised by a substantial number of workmen nor had been sponsored in a proper manner. It was further alleged that the workmen working in the Bank are governed by the provisions of the Bipartite Settlement dated 19-10-1966 read with the Sastry Award and the Desai Award and the present dispute related to a demand involving financial outlay which would affect all the banks as regards emoluments paid by them to their outstation Godown keepers and therefore it was barred by the provisions of Paragraph 22.6 of the Bipartite Settlement.

It was admitted that Sachdewa worked at Kherali outstation under Nadbai office of the Bank from 26-5-1970 to March 1971. It was contended, *inter alia*, that an outstation Godown Keeper has to look after the Godowns of such of the parties who had been allowed advances against the pledging of their goods at the outstation and he has to supervise the godowns of such constituents of the Bank. It was admitted that:—

"In connection with the performance of his duties as Godown Keeper at Godown outstation, the Godown Keeper keeps in his possession keys of godowns, some locks if not in use, 50 to 60 forms of storage memos and about 100 forms of stock reports which he should keep in one of the godowns."

It was contended that an outstation Godown Keeper would not require any office "for the purpose of carrying on his duties and functions as a outstation Godown Keeper" and therefore there is no question of giving any office rent allowance to the workman. It was further contended that "no house rent is admissible at Kherali outstation, it being a small place in terms of the Bipartite Settlement dated 19-10-1966, which governs service conditions of workmen working in the Bank." The Bank therefore urged that the demand of Sachdewa was untenable and he was neither entitled to any office rent allowance or house rent allowance. In view of the aforesaid contentions of the parties two issues in addition to the one mentioned in the schedule to the reference were framed:—

## ISSUES

2. Is the dispute referred not an industrial dispute as alleged by the management?
3. Is the dispute barred by paragraph 22.6 of Bipartite Settlement as alleged by the Management?

There is sufficient evidence on the record to show that the present dispute was raised by the Association of the Punjab National Employees of which the workman, S. R. Sachdewa, was a member. A resolution was passed by the Working Committee of the aforesaid Association on 6-2-1971 in which it was unanimously resolved to agitate the present dispute with the proper authorities. It is clear that the present dispute had been sponsored in a proper manner and is an industrial dispute which was rightly made the subject matter of a reference to this Tribunal.

It was contended on behalf of the workmen that the aforesaid Bi-partite Settlement expired on 31-12-1969 and it has no relevance to the present dispute which related to the claim of office rent for the period 26-5-1970 to March 1971. It was further contended on behalf of the workman that there was a second Bi-partite Settlement which came into force on 1-1-1970. The parties were unable to show any provision in the aforesaid settlement of 1970 which has relevance to the dispute in question before me. Paragraph 22.6 of the Bi-partite Settlement of 1966 on which reliance was placed by the Bank runs thus:—

"22.6.—During the currency of this settlement no further demand involving financial outlay which may affect all the banks covered by this Settlement shall be raised by the workmen except under emergent circumstances. This shall not apply to demands in respect of bonus."

It was conceded on behalf of the workman that the claim in the present dispute relates only to office rent and not to any house rent allowance. It has come in evidence that all the emoluments paid to outstation Godown Keepers including their house and office rent were paid to the Bank by the borrowers, who had pledged their goods to the Bank and to whom the Bank had made advances. This fact was not challenged on behalf of the Bank although it was stated that sometimes the whole amount incurred on the emoluments paid to Godown Keepers and for their house and office rent was not fully paid by the borrowers. It cannot be said that the amount of office allowance for which the Bank is reimbursed by its constituent borrowers would involve any financial outlay on the Bank. Further more, it was contended on behalf of the workman that in substance the office rent payable to the outstation godown keepers was part of the normal expenditure of the Bank itself which was necessary for the proper performance of its duties and it was by no means any allowance paid to an outstation godown keeper which could come in the category of house allowance. There is force in the aforesaid contention of the workman and it must be held that the dispute is not barred by paragraph 22.6 of the Bi-partite Settlement as alleged by the management.

It has been admitted on behalf of the workman that the office rent at Kherali was Rs. 25 and not Rs. 50. I therefore proceed on the footing that the claim of the workman is for office rent for the period in question @ Rs. 25 per month. It was contended on behalf of the Bank that Sachdewa's predecessor, one Bansal, also functioned as an outstation Godown keeper at Kherali and he did not claim nor was he given any extra payment by way of office rent. This fact was not denied on behalf of the workman. It was, however, contended that Bansal lived alone at Kherali in a single room tenement and he was only a temporary hand. The mere fact that Bansal did not either claim or was not given any office rent is not material for the consideration of the present dispute. It was alleged on behalf of the workman that he had taken two separate sets of rooms in one building. Its site plan is Ex. W/5. One room in the said building was exclusively used for office purpose by the workman and his residential room was wholly separate from the aforesaid office room. The workman's wife and children lived with him in the residential quarter while in the office room he kept the Bank's furniture and office records and locks etc. The nature of duties which had to be performed by the outstation godown keeper were of confidential nature and it was also necessary that the records in his custody should be kept in a safe place. Further more, it was contended on his behalf that while he had to perform out door duties and inspect the godowns in which the goods pledged to the Bank were kept, he needed a room where he could meet the borrowers and perform his work. It was thus contended that it was necessary for the discharge of his duties by an outstation godown keeper that he should have a separate office. It has come in evidence that at some places outstation godown keepers were given free accommodation by the Godown Keepers. It was alleged

on behalf of the workman that he was permitted orally by a superior officer to take a room for his office purpose at Kherali. The workman made a representation to the Bank on 20-7-1970 (Ex. W/2) in which he claimed a sum of Rs. 25 "as per Bi-partite Settlement to godown keepers who are performing their godown duties outstation." The Bank by its reply dated 18-8-1970 (Ex. W/3) said that:—

"With reference to your letter dated 20-7-1970 for sanction of allowance of Rs. 25 P.M., we have to advise having been informed by the D.M. that you are entitled to it."

In the aforesaid correspondence it was not made clear that the amount of Rs. 25 was being claimed specifically for rent of the accommodation which was used for office purpose. The Union in its letter to the Bank dated 20-2-1971 (Ex. W/29) however made the position clear. It said:—

"In order to carry on his office duties and to keep office record, stationery and furniture he has to arrange an additional room, apart from his own residential accommodation. With a view to meet this additional burden he has requested for payment of 'Other Allowance' to which he is rightly entitled, over and above extra wages for the extra hours he is forced to put in beyond 6-1/2 hours on Week days and 4 hours on Saturdays. Since it is the duty of the management to provide office, we request you to either provide him suitable place where he could keep bank's records, stationery and furniture or he be paid the house/office rent he is paying at Kherali for which he has been forced to manage".

There is sufficient evidence to indicate that there were about 80-90 godowns which had to be looked after at Kherali by the workman. It may be safely assumed that in course of discharging his duties, besides going to the premises of the aforesaid godowns, he had also to meet the Bank's borrowers whose goods had been pledged to the Bank. He had to keep the Bank's records and other articles belonging to the Bank in safe custody. The Bank itself had no establishment of its own at Kherali. Under these circumstances, the outstation godown keeper had to maintain an office from where he could properly discharge his duties. Under the Rules of the Bank, the Bank's articles could only be kept in the Bank's premises. Admittedly, the workman had kept the furniture belonging to the Bank in his office room and also some other articles of the Bank such as locks and records etc. It could be said that the room used by the workman at Kherali for his office purpose was in substance an extension of the Bank's premises itself at Kherali for which the Bank should pay rent just in the same manner as it would pay rent for any other premises occupied by its offices.

It must be held that the Bank was liable to pay the rent of such office premises used by the godown keeper and admittedly it would get back the amounts so incurred from the borrowers of the Bank.

I need not go to the extent of laying down a broad rule that in all circumstances an outstation godown keeper of the Bank is entitled to maintain a separate office for which the rent is payable by the Bank. That would depend upon the extent of the Bank's business at a particular outstation. If the business is of a very casual nature and the work is not enough for an outstation godown keeper for all the year round then it may not be necessary for him to maintain a separate office. Where, however, the work is of a wider extent and it is necessary for the godown keeper for the proper discharging of his duties to maintain an office establishment then in such case the Bank has to provide for office accommodation to an outstation godown keeper. There is enough evidence in the present case to indicate that the workman, considering the nature of his duties, was justified in taking a room which was used by him for his office purpose and the Bank was liable to pay its rent. It was not seriously disputed by the Bank that the rent for the room in question was Rs. 25 P.M. The receipts filed by the workman show that the office rent was Rs. 30 per month. He has, however, claimed only Rs. 25/ per month on account of office rent which is allowed.

My award therefore is that S. R. Sachdewa Godown Keeper, who functioned in the Kherali Godown under the Nadbai office of the Bank with effect from 26th May, 1970 to March, 1971 is entitled to payment of office rent allowance at the rate of Rs. 25 per month, amounting to Rs. 250.

The workman will have Rs. 100 as costs. I make my award accordingly.

S. N. KATJU, Presiding Officer.

[No. L. 12012/46/71/LR III]

4-4-1973.

New Delhi, the 8th May, 1973

**S.O. 1440.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the National and Grindlays Bank Limited and their workmen, which was received by the Central Government on the 1st May, 1973.

#### AWARD

#### BEFORE THE CENTRAL GOVERNMENT

#### INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.

Reference No. CGIT-2/6 of 1972

#### EMPLOYERS IN RELATION TO THE NATIONAL AND GRINDLAYS BANK LIMITED AND THEIR WORKMEN

#### Present :

Shri N. K. Vani.—Presiding Officer.

#### Appearances :

#### For the Employers :

1. Shri M. S. Bala, Personnel Manager.
2. Shri M. N. Choudhary, Regional Officer.
3. Shri R. V. Bangle, Staff Officer.

#### For the Workmen :

1. Shri P. N. Subramanyan, General Secretary.
2. Shri S. M. Rane, Treasurer.

Industry : Banking.

State : Maharashtra.

Bombay, the 19th April, 1973.

#### AWARD

By order No. L-12012/17/72/LR III dated 10-5-1972, the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-clause (1) of Section 10 of the I.D. Act, 1947 (14 of 1947) referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the National and Grindlays Bank Limited and their workmen in respect of the matter specified in the Schedule as mentioned below :—

#### "SCHEDULE

Whether the duties of Sarvashri D. C. D'Souza and A. V. Pendurkar, Air Conditioning Helpers of National and Grindlays Bank Limited, Bombay would entitle them to be equated to the duties of the Air Conditioning Plant Helpers, specified in item (x) of Part II of Appendix B of the Settlement arrived at between the managements of certain banks and their workmen on the 19th October, 1966 and as such make them eligible for the special allowance."

2. The facts giving rise to this reference are as follows :—

- (i) S/Shri D. C. D'Souza and A. V. Pendurkar were appointed as Air-conditioning Plant Helpers, with effect from 3-10-1966 and they were confirmed with effect from 1-4-1967. Special allowance for performing the duties of Air-conditioning Plant helpers as provided in the Bipartite Settlement dated 19-10-1966 has not been given to them. The Union therefore demanded the same but the management rejected it on the ground that these employees were not performing semi-skilled duties as enumerated in Appendix 'B', part II, item (x) of the Bipartite Settlement. The Asstt. Labour Commis-

sioner (C), Bombay tried to bring about conciliation between the parties but in vain. He, therefore, submitted his failure of conciliation report, Ex. 46/E to the Government of India. On account of this, this dispute has been referred to this Tribunal for adjudication.

3. After the receipt of the reference notices were issued to the parties concerned for filing written statement. In pursuance of the notices both the parties appeared before me and filed their written statement.

4. The General Secretary, Shri P. N. Subramanyan, for and on behalf of the National and Grindlays Bank Employees' Union, Bombay (hereinafter referred to as the Union) has filed written statement at Ex. 1/W.

5. According to him.

- (1) S/Shri D. C. D'Souza and A. V. Pendurkar have been appointed as subordinate staff to perform particular duties connected with the Air-conditioning Plants. Both these workmen by the very nature of their appointment in the service of the Bank, belong to the category of Air conditioning Plant Helpers. The Bank should have so designated them in terms of para. 5.12 of the Conciliation Settlement. Instead of this, the Bank has been playing upon the words and maintain that both the workmen are only Air conditioning Helpers. Both these workmen are carrying out the duties as required and ordered by the Plant Operator.
- (2) They are not required to do any other work in any of the various banking departments in the Bank. Therefore, by the very nature of their special duties, different from those performed by the other categories of subordinate staff, they are only helpers to the Operator in charge of the Plants. In terms of Para. 5.9 of the Settlement dated 19-10-1966, both the workmen impliedly have been appointed as Air-conditioning Plant Helpers and accordingly they are entitled to the specific special allowance as laid down in para. 5.3 item (x) of the settlement.
- (3) Both these workmen are performing among others, the following duties under the Supervision of the Air-conditioning Plants Operator.
  - (i) Cleaning of all Machines before starting the Machine.
  - (ii) Checking water tanks for sufficient water level.
  - (iii) Checking water level every hour in the Air-conditioning tower Tanks.
  - (iv) Greasing motors, cleaning starter contacts, check belt tension, servicing C. T. Fans, A. H. Motors, cleaning air filters, replacing air-filter after cleaning.
  - (v) Draining out C. T. Tanks, Refilling with fresh water.
  - (vi) Assist the operator at the time of starting and putting off the Machine.
  - (vii) Assist the Operator to record readings of temperature in the premises at various locations.
- (4) The duties performed by both these workmen are of similar and/or same nature as spelled out in Appendix 'B' in item (x) of the Settlement dated 19-10-1966.
- (5) Subordinate staff working as Helpers to the Air-conditioning Plant Operator, in the Bank of India and Central Bank of India, who perform similar duties get special allowance as laid down in paras 5.6, 5.7 and 5.8 of the Settlement dated 19-10-1966. Hence S/Shri D. C. D'Souza and A. V. Pendurkar are entitled to get special allowance. They be given this allowance.
6. The Regional Officer, Shri S. S. Sindhu, for National and Grindlays Bank Ltd., (hereinafter referred as the Bank) has filed written statement at Ex. 2/F.
- 7 According to him :—
  - (i) The two workmen S/Shri D. C. D'Souza and A. V. Pendurkar did not belong to the category of Air Conditioning Plant Helpers. They perform the

duties under the supervision of the Electrician/Air Conditioning Plant Operator as mentioned below :—

- (a) Assist the Bank's electrician in cleaning lights and fans;
- (b) Hold the ladder while the electrician changes fused tubes/bulbs;
- (c) Change and clean filters (60) twice a month on overtime;
- (d) Clean water tanks once a fortnight on overtime and
- (e) One of the helpers walk around the office with the 'Sling Thermometer' and then hands it to A. C. Plant Operator who records the reading in the log book.
- (ii) Both the workmen are neither skilled nor semi-skilled. They are merely helpers. They only help the Air-conditioning Plant Operator and the Electrician whenever directed to do so. They do their duties under their supervision. It is not correct that these workmen carry out the duties enumerated in para 7(a) to (f) of the statement of Claim, Ex. 1/W.

Both the workmen do not carry out special allowance duties as specified in item (x) of Part II of Appendix B of the Bipartite Settlement dated 19-10-1966, as applicable to the Air-conditioning Plant Helpers. They are not entitled to special allowance. Hence their demand in this respect be rejected.

8. The Union has adduced oral and documentary evidence as mentioned below :—

- (i) Oral evidence consists of statement of witnesses :—
  - (a) Shri I. P. Mendes, Air Conditioning Operator, Ex. 24/W.
  - (b) Shri Phiroz H. Patel, Air Conditioning Plant Helper in the Bank of India, Ex. 27/W.
  - (c) Shri Sebastian Mendes, Air Conditioning Plant Operator in the Central Bank of India, Bombay, Ex. 28/W.
  - (d) Shri Anand Vishu Pendurkar, Helper, Ex. 29/W.
  - (e) Shri D. C. D'Souza, Helper, Ex. 31/W.
  - (f) Shri G. S. Luth, Incharge Establishment, Technical Deptt., Central Bank of India, Bombay, Ex. 32/W.
  - (g) Shri Sanclair Clarence Valladares, Officer in charge of Air Conditioning, Central Bank of India, India, Bombay, Ex. 36/W.
  - (h) Shri B. S. Bengal, Asstt. Air Conditioning Plant Operator-cum-electrician, Ex. 37/W.

9. Documentary evidence is produced at Ex. 10/W to 17/W, 26/W, 33/W, to 35/W.

10. The Bank has also adduced oral and documentary evidence. Oral evidence consists of statements of witnesses :—

- (i) Shri Ramdas V. Bangle, Officer, Incharge of the Bank Ex. 44/E.
- (ii) Shri E. M. Willington, Officer, Incharge of the Bank Ex. 45/E.

11. The Bank has produced documentary evidence at Ex. 3/E to 9/E, 20/E to 23/E, 30/E, 38/1 to 43/1 and 46/1.

12. From the pleadings and documents on record the following points arise for consideration.

- (i) Whether the duties of S/Shri D. C. D'Souza and A. V. Pendurkar, Air Conditioning Helpers of National and Grindlays Bank Limited, Bombay would entitle them to be equated to the duties of the Air Conditioning Plant Helpers, specified in item (x) of Part II of Appendix B of the settlement arrived at between the Managements of certain banks and their workmen on the 19th October, 1966?
- (ii) If yes, are these Air Conditioning Plant Helpers eligible for the special allowance?

(iii) What order?

13. My findings are as follows :—

- (i) Yes.
- (ii) Yes, for the period for which they worked as Air Conditioning Plant helpers.
- (iii) As per order.

#### REASONS

##### Point No. i

14. The Bank appointed S/Shri A. V. Pandurkar and D. C. D'Souza, as helpers on the subordinate cadre for a probationary period of six months with effect from 3-10-1965 by Memorandum Ex. 6/E and 7/E, respectively. After working for about six months as Air Conditioning Helpers both these workmen were confirmed with effect from 1-4-1967, by orders at Ex. 8/E and 9/E respectively.

15. The case of both these workmen is that they should be given special allowance for doing duties of Air Conditioning Plant Helpers on the basis of para. 5.3, item (x) of the Bipartite Settlement dated 19-10-1966.

16. The Bank contends that both these workmen are not eligible to special allowance as they are not semi-skilled employees and because they are not doing duties which the Air Conditioning Plant Helpers referred to in item (x) part 2 of appendix B of the Bipartite Settlement dated 19-10-66 are doing. In short, what the Bank wants to say is that the duties of S/Shri Pendurkar and D'Souza, AC-Plant helpers cannot be equated to the duties of the Air Conditioning Plant Helpers specified in item (x) of Part II of Appendix B of the Bipartite Settlement dated 19-10-1966.

17. In the first place the two applications Ex. 4/E and 5/E made by S/Shri Pendurkar and D'Souza respectively to the Bank show the experience which the applicants concerned possess. It appears from Ex. 4/E that Shri Pendurkar had practical knowledge of wiring etc. Ex. 5/E shows that Shri D'Souza was attending the Wireman classes at the time of making application. It means that both the applicants were knowing something of electrical wiring, which the ordinary unskilled persons do not know.

18. It is common knowledge that man gets skill in a particular profession by practical training and experience. In the present case Shri Pendurkar and D'Souza were working as AC Plant Helpers as Probationers for a period of six months from the dates of their appointments from 3-10-1966. They were confirmed with effect from 1-4-1967. The fact that they were confirmed with effect from 1-4-1967 as AC Plant Helpers clearly shows that their work was found satisfactory and that they must have acquired sufficient skill and efficiency on account of training and practical experience or discharging the duties of AC Plant Helpers. In view of this it is crystal clear that these two employees will have to be treated as semi-skilled workmen at least with effect from 1-4-1967 i.e. from the date of their confirmation. In view of this, the Bank's contention that these two employees should not be given special allowance as they are not semi-skilled cannot be accepted atleast with effect from 1-4-1967.

19. The duties of AC Plant Helpers mentioned in item (x) Part II of Appendix B of the Bipartite Settlement dated 19-10-1966 are as follows :—

"Semi-skilled persons who under the supervision of the technician attend to routine maintenance of and minor repairs to air-conditioning plants."

20. In the present case the employees have been list of duties they are performing under the supervision of the AC Plant Operator in para. 7 of Ex. 1/W. Those duties are as follows :—

- (i) Cleaning of all Machines before starting the Machine.
- (ii) Checking water tanks for sufficient water level.
- (iii) Checking water level every hour in the Air-conditioning Tower Tanks.
- (iv) Greasing motors, cleaning starter contacts, check belt tension, servicing C. T. Fans, A. H. Motors, cleaning air filters, replacing air-filter after cleaning.
- (v) Draining out C. T. Tanks, refilling with fresh water.
- (vi) Assist the operator at the time of starting and putting off the machine.

- (vii) Assist the Operator to record reading of temperature in the premises at various locations.

21. Shri I. P. Mendes is the AC Plant Operator in the Bank. From his evidence Ex. 24/W and his correspondence with the Accountant of the Bank for giving him help, produced at Ex. 38/E to 40/E it will be clear that the A. C. Plant helpers were not doing minor repairs. Duties of helpers given by him in writing are produced at Ex. 40/E.

22. The Bank contends that in-as-much as the AC Plant Helpers in the Bank were not doing minor repairs, they are not eligible for special allowance. This contention cannot be accepted.

23. A. C. Plant helpers specified in item (x), Part II of Appendix B of the Settlement dated 19-10-1966 get special allowance for doing routine maintenance and minor repairs to A. C. Plant under the supervision of the technicians. This shows that special allowance is to be given for doing all the duties and not only for minor repairs to the A. C. Plant. It may be that the employees in question in the Bank may not be doing minor repairs to the AC Plant but if they are doing the routine maintenance of AC Plant under the supervision of A. C. plant operator, they will be certainly eligible to special allowance. If the provisions in the Bipartite Settlement would have mentioned that A. C. Plant helpers doing the routine maintenance to the A. C. Plant only under the supervision of the technician, should not be given special allowance, the matter would have been different.

24. Shri Sebastian Mendes, Ex. 28/W is a AC Plant operator in the Central Bank of India in Bombay. According to him :—

"There is one helper for helping the operator. These helpers get special allowance of Rs. 46 per month.

Duties of the helper working in the Central Bank of India are as follows :—

- (i) To clean the machine and its parts.
- (ii) To check the water level in the cooling tank on terrace.
- (iii) To close the windows on all floors.
- (iv) To clean the package unit.
- (v) To clean the cooling tower on alternate Saturday.
- (vi) To clean the air filter on Saturday.
- (vii) The helpers help the operator in greasing and oiling the machine.
- (viii) Cleaning of the grills and the filter is done after the machine is not working.

25. Shri Saneel Clarence Valladares, Ex. 36/W is the Officer in charge of A. C. Plant in the Central Bank of India. He also gives the duties of helpers in the Central Bank of India.

26. Shri Phiroz H. Patel, Ex. 27/W is the AC Plant Helper in the Bank of India, Bombay. He speaks about the duties of AC Plant Helper in his Bank. According to him; he joined the Bank of India in 1959 as A. C. Plant helper, he gets special allowance of Rs. 35 for working as A. C. Plant Helper with effect from 1-7-67 on the basis of clause 5-11 of the Bipartite Settlement dated 19-10-1966, after the second bipartite settlement his special allowance was increased to Rs. 46 from Rs. 35. He also says that the first two helpers who come to the bank at 8-45 A.M. clean the machine, oil it, grease it, open the valve of the water storage tank, take temperature, clean the filter, that cooling coil has to be cleaned on every Saturday, that Cooling tower has also to be cleaned on every Saturday, that fans of the cooling machine are to be cleaned once in six months and also grills, that the helpers working in the 2nd Shift also perform the same duties that the Helper in the 3rd shift starts the water pump and gets the storage filled and that after the storage is filled, he has to close the pump.

27. There can be no doubt from the evidence referred to above that the A. C. Helpers working in the Central Bank of India and the Bank of India gets special allowance for doing the duties referred to by these witnesses.

28. Shri A. V. Pendurkar has given evidence at Ex. 29/W. He mentions his duties as mentioned below :—

17 G of I/73—8

- (i) To come to office at 8-30 A.M. and to work there till 4-30 P.M. with recess of one hour from 12-30 to 1-30 P.M.
- (ii) To open the plant room and dust the plant machine.
- (iii) To put grease in the pump.
- (iv) To check the level of the water in the cooling tower.
- (v) To remove the dust from the filter by brushing.
- (vi) To help the operator.
- (vii) To close the windows after the machine starts working.
- (viii) Take the reading of the temperature at about 11 A.M. and hand it over to the operator for making the entry in the log book.
- (ix) To clean the filter once in fortnight.
- (x) To switch on and the operator starts the machine.

29. Shri D. C. D'Souza, Ex. 31/W also speaks about his duties as A. C. Plant helper, as follows :—

- (i) To attend office at 8-30 A.M. and work there till 4-30 P.M. with recess of one hour.
- (ii) To dust the machine and clean it.
- (iii) To put grease in the machine.
- (iv) To check the water level in the tank.
- (v) To check the belt.
- (vi) To switch on and the operator starts the machine.
- (vii) To close the windows.
- (viii) To take temperature reading from different places and hand it over to the operator for entering the same in the log book.
- (ix) Cleaning the filter and machine.
- (x) To pump the water thrice a day.
- (xi) On alternate Saturday.
  - (a) Clean the cooling tower tank.
  - (b) Replace the filters from five units.
  - (c) Do such work as directed by the operator.
  - (d) Clean the grills.

30. Shri I. P. Mendes, Ex. 24/W, is the A. C. Plant operator in the Bank. Helpers are working under him. He speaks about the duties of the helpers.

31. Shri B. S. Bengal, Ex. 37/W is the Asstt. A. C. Plant Operator-cum-Electrician. He speaks about his duties as Electrician. He also does the routine maintenance of the A. C. Plant.

32. The Bank has examined two witnesses viz. S/Shri Ramdas V. Bhangle and E. M. Wellington at Ex. 44/E and 45/E respectively. Shri Ramdas V. Bhangle Ex. 44/E says that out of the two helpers one is attached to Electrician-cum-Asstt. A. C. Plant Operator and the other is attached to A. C. Plant Operator and that the duties performed by the helpers cannot be equated with the duties laid down in the Bipartite Settlement. Admittedly he has no technical knowledge of the A. C. Plant and the A. C. Plant Helpers are doing work under the guidance of A. C. Plant Operator. Hence his opinion that the duties of the Helpers cannot be equated with the duties laid down in the Bipartite Settlement cannot be given any weight.

33. Shri E. M. Wellington also speaks about the duties performed by the two helpers. He says in his evidence Ex. 45/E that they cannot be equated with the duties of the A. C. Plant helpers mentioned in the Bipartite Settlement. In his cross-examination he says that on making enquiries about the duties of the helpers he came to the conclusion that they are not eligible to special allowance. Admittedly he did not make enquiries from other banks as to what duties the helpers in those banks were doing and to whom they were paying special allowance. He has also no power to take decision in such matters. In view of this, his conclusion that the helpers in the Bank are not eligible for special allowance cannot be given any weight.

34. From the evidence on record it appears that the duties performed by the A. C. Plant helpers in the Bank are similar to the duties of the A. C. Plant Helpers working in the Central Bank of India and Bank of India, Bombay. In item

(x) of Part II of Appendix B of the Bipartite Settlement dated 19-10-1966, details of routine maintenance to the A. C. Plant are not given. It only refers to routine maintenance to A. C. Plants. On considering the duties performed by the A. C. Plant helpers in the Central Bank of India and the Bank of India, where they are getting special allowance on the basis of this provisions, it will be clear as to what the routine maintenance of the A. C. Plant is.

35. As the A. C. Plant helpers in the Bank are performing the same duties as are performed by the A. C. Plant helpers in the Central Bank of India and the Bank of India, where they are getting special allowance, it can be said that the duties performed by the A. C. Plant operators in the Bank are similar to the duties of A. C. Plant helpers mentioned in item (X) of part II of Appendix B of the Bipartite Settlement dated 19-10-1966.

36. It is contended that in respect of Central Bank of India and the Bank of India, there is specific order regarding special allowance to be paid to the A. C. Plant Helpers, but there is no such order in respect of A. C. Plant helpers in the Bank and that on account of this they are not eligible for such allowance. This contention cannot be accepted.

37. It is the discretion of the Bank whether to give written order or not. Absence of written order will not prevent the A. C. Plant helpers in the Bank from claiming the special allowance. Their duties are such which enable them to claim special allowance.

38. It is contended that there is no evidence to show that the A. C. Plants and the buildings in respect of the Central Bank of India and the Bank of India are comparable to the A. C. Plant and the buildings in the Bank and that in the absence of such evidence on record special allowance be not allowed to the A. C. Plant helpers in the Bank;

39. It is not necessary to know the size of the Plant and Building in the Central Bank of India and the Bank of India. Special allowance depends upon the nature of duties performed by the A. C. Plant Helpers and not on the size of the Plant and the Building.

40. It is contended on behalf of the Bank that the Tribunal should confine itself to the terms of reference and that it cannot allow special allowance to the A. C. Plant helpers in the Bank simply because the A. C. Plant Helpers in the Bank of India and the Central Bank of India are getting the special allowance.

41. I am not allowing special allowance to the A. C. Plant helpers in the Bank simply because the A. C. Plant helpers in the Bank of India and the Central Bank of India are getting the special allowance. I have compared the duties performed by the A. C. Plant helpers in the Bank with the duties performed by the A. C. Plant helpers in the Central Bank of India and the Bank of India for finding out as to what the routine maintenance is. Specific duties have not been prescribed in item (x), part II of Appendix B of the Bipartite Settlement dated 19-10-1966. Hence it is necessary to find out as to what the particular duties amount to routine maintenance.

42. In the present case, it is not the case of the Bank that the A. C. Plant helpers refused to do the minor repairs under the supervision of the technicians. In the absence of such contention, failure to take such work is no ground to disallow the claim of special allowance claimed by the A. C. Plant helpers in the Bank. It is not mentioned that for doing minor repairs under the supervision of technicians some special qualification is required. If so special qualification is required and if the experience is sufficient it cannot be said that the A. C. Plant helpers in the Bank will not be in a position to do minor repairs under the supervision of the technicians.

43. In short, it will be clear from the oral and documentary evidence on record that the duties performed by the A. C. Plant helpers in the Bank are similar to and can be equated to the duties of the A. C. Plant helpers specified in item (x), of Part II of Appendix B of the Bipartite Settlement dated 19-10-1966.

#### Point No. II

44. On the admission of Shri Pendurkar, Ex. 29/W it is clear that out of two helpers, one helper works with the A. C. Plant operator and the other helper with the Electrician-cum-Asstt. Plant Operator by rotation.

45. Shri D. C. D'Souza, Ex. 31/W says that the turn of a helper is for a week. It is therefore clear that the helper working under the A. C. Plant operator works for 15 days in a month. As the special allowance is for doing the duties in connection with the duties of A. C. Plant helper, each helper would be eligible to get allowance only for the period for which he is attached with the A. C. Plant Operator only;

#### Point No. Iii

46. In view of the above findings I pass the following order :

#### ORDER

(i) It is hereby declared that the duties of S/Shri D. C. D'Souza and A. V. Pendurkar, Air Conditioning Helpers of National and Grindlays Bank Limited, Bombay, would entitle them to be equated to the duties of the Air Conditioning Plant Helpers, specified in item (x) of Part II of Appendix B of the Settlement arrived at between the managements of certain Banks and their workmen on the 19th October, 1966 and that they are eligible for special allowance for the period for which they work under the A. C. Plant operator.

(ii) Award is made accordingly.

(iii) No order as to costs.

N. K. VANI, Presiding Officer

[No. L. 12012/17/72/LRIII]

**S.O. 1441.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the Canara Bank and their workmen, which was received by the Central Government on the 3rd May, 1973.

#### AWARD

BEFORE THIRU G. GOPINATH, B.A., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, MADRAS  
(Constituted by the Central Government)

Monday, the 23rd April, 1973

**Industrial Dispute No. 18 of 1972**

(In the matter of the dispute for adjudication under section 10(2) of the Industrial Disputes Act, 1947 between the workmen and the management of Canara Bank, Bangalore.)

#### BETWEEN

The workmen represented by:

The General Secretary, Canara Bank Employees' Union,  
P.B. No. 1770, 135 Moore Street, Madras 1.

#### AND

The Deputy General Manager, Management of Canara Bank, Canara Bank Buildings, 112, Jayachamara-jendra Road, P. B. No. 6648, Bangalore.

#### REFERENCE :

Order No. L. 12025/3/72-LRIII, dated 6th March, 1972 of the Ministry of Labour and Rehabilitation, Department of Labour and Employment, Government of India, New Delhi.

This dispute coming on for final hearing on Monday the 19th day of March 1973 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvallargal B. R. Dolia and R. Jamal Nazem for Aiyer and Dolia, advocates for the union and of Thiru C. S. Ramadas, Superintendent of the management and having stood over till this day for consideration, this Tribunal made the following.

#### AWARD

The two matters in respect of which the Central Government has referred the industrial dispute between the management of the Canara Bank and their workmen represented by

the Canara Bank Employees' Union, for adjudication are those set out in the schedule to the order of reference, which reads as follows:

- "(1) Whether the readjustment of salaries and emoluments of Sri P. N. Balaji, Sri K. Ratnakar and Sri A. Habib Rahman on their transfers to Chennimalai, Cangully and Palni respectively is justified. If not, to what relief these employees are entitled?"
- (2) Whether readjustment of salaries and emoluments of Sri U. Bhaskar Shenoy on his transfer in terms of option exercised by him under the Settlement dated the 11th August, 1967 is justified, if not, to what relief he is entitled?"

**2. Issue No. 1.**—The first item of reference relates to the readjustment of salaries and emoluments of Sri P. N. Balaji, Sri K. Ratnakar and Sri A. Habib Rahman, on their transfers to Chennimalai, Cangully and Palni respectively. Sri Balaji joined as clerk in the Bank on 14-4-1958 at Bangalore, which was then classified as Area II. In March, 1960 he made a request to the management for a transfer to Erode, which was classified as Area III, and accordingly, the proceedings of the General Manager dated 22-3-1960 (Ex. W-1) was issued transferring Sri Balaji to Erode. Later, the management, on administrative grounds, transferred him to Chennimalai, also Area III, by proceedings dated 9-16-1964 (Ex. W-3). He was transferred again to Erode at his request in his letter dated 29-5-1967, by the proceedings of the General Manager on 3-11-1967 (Ex. W-5). Sri Balaji was paid the salary and emoluments applicable to Area II, even after his transfer to Area III in March, 1960. So too at the time of his transfer from Erode to Chennimalai, the management was paying the same salary and emoluments as applicable to Area II. But in December, 1967 the management revised the basic pay and emoluments of Sri Balaji, as applicable to Area III, on the ground that the transfer in 1967 was at his request. The employee took objection to the re-fixation of his pay and emoluments and requested the management by letter dated 16-3-1968 to give him the pay and emoluments as applicable to Area II. The management, by its letter dated 2-5-1968 (Ex. W-10), informed Sri Balaji that since his transfer to Erode in November, 1967 was at his request, the protection available regarding the retention of Area II scale or pay in terms of clause 4.13 of the Bipartite settlement (Ex. W-32) was lost by him. A detailed reference to this para and a discussion in it will follow later, since it is relied on by the management in respect of the re-fixation of the pay and emoluments of the other two employees as well.

3. The case of Sri Ratnakar and Sri Habib Rahman are also similar to that of Sri Balaji. Sri Ratnakar joined the bank on 10-4-1962 and was working at Bombay, which was classified as Area I. At his request, he was transferred to Udipi, classified as Area III by the proceedings of the General Manager dated 8-8-1966. He joined duty there on 16-8-1966. He was then transferred to Coondapur, another Area III as desired by him, by the order of the General Manager dated 24th January, 1967 (Ex. W-24). Again, at his request, he was transferred to Cangully, another Area III by the proceedings dated 25-5-1967. Till then, he was paid Area I scale of pay. By the management's letter dated 24-10-1967 (Ex. W-26), his salary and emoluments were revised as applicable to Area III, relying on para 4.13(a) of Ex. W-32.

4. Sri Habib Rahman, who was employed in the Pandyan Bank Ltd., was taken into the services of the Canara Bank on the former's merger at Palni, which was classified as Area III with effect from 1-12-1963, and was paid Area II salary and emoluments with reference to the original place of his appointment in the Pandyan Bank; namely, Madurai. He was transferred to Chennimalai in Area III by the order of the General Manager dated 20-10-1964 and was later transferred, at his request to Bodinayakanur on 27-4-1966. He was again transferred to Palni in November, 1967, at his request, by the order of the General Manager dated 15-11-1967. Though both Bodinayakanur and Palni were classified as Area III, Sri Habib Rahman was continued to be paid salary as due to Area II. The management, by its proceedings, dated 13-2-1968, re-fixed the emoluments of Sri Habib Rahman as applicable to Area III, relying on Para 4.13(a) of Ex. W-32.

5. The service conditions of the Bank employees prior to 19-10-1966 (the date of Ex. W-32) were admittedly governed by the Sastry Award read with the Desai Award. Para 5.190 of the Desai Award prohibited the reduction of the basic pay of any employee, on being transferred to an area

where lesser pay scales applied, even though such basic pay may be more than the maximum of the pay fixed at the new station, and he was allowed to have the usual increments as from such basic pay, onwards. By virtue of this provision, the above clerks who had been transferred from Area I or II as the case may be, to Area III prior to 19-10-66, were entitled to the higher area salary and they were so paid, even though they were working in a lesser area. Ex. W-32, the bipartite settlement dated 19-10-1966 modified certain service conditions, as laid down by the Desai Award. (vide para 1(i) of Ex. W-32). Para 4-13(a) of Ex. W-32 which has been applied by the management, for fitment of the basic pay and emoluments to Sri P. N. Balaji, Sri K. Ratnakar and Sri Habib Rahman reads as follows:

"4.13. In supersession of paragraph 5.190 of the Desai Award—

- (a) On his transfer from a higher area to a lower area, a workman shall continue to be governed by the pay scale of the higher area that was applicable to him prior to his transfer. But on such transfer at his request, a workman shall be fitted into the scale applicable to the lower area at a stage corresponding to his stage in the higher area provided that his basic salary plus dearness allowance in the higher area on the date of his transfer shall be protected by paying him an adjusting pay to be set off against his future increments (including Dearness Allowance thereon) in the lower area scale."

From this provision it is clear that on the transfer of an employee from a higher area to a lower area, he is to draw the same scale of pay as in the higher area, but when such transfer is made at his request, he is to be fitted into the scale applicable to the lower area corresponding to a stage in a higher area, thus protecting only his basic salary plus dearness allowance in the higher area on the date of his transfer. Hence, to attract the operation of the second part of 4-13(a), which is relied on by the management, the transfer of the employee must be after 19-10-1966, at his request, and that should be from a higher area to a lower area. The above three employees were admittedly working in the same area, that is, Area III before 19-10-1966 and drawing the salary of the higher area, by virtue of para 5.190 of the Desai Award. Their transfer, subsequent to 19-10-1966, at their own request, was within the same area. Hence, on a plain interpretation of para 4-13(a), the stand taken by the management that the case of these employees falls under the latter part of 4.13(a) cannot be accepted.

6. The contention urged on behalf of the management is that the deciding factor for the purpose of the applicability of para 4.13, in the matter of transfer from a higher area to a lower area, is the pay scale applicable to the employee who is transferred. In other words, according to the management, if an employee is drawing his basic pay in the pay scale applicable to a higher area, even though he may be working in a lower area, he should be deemed to be working in the higher area concerned for the purpose of his salary and if he is transferred later to a lower area, it attracts the provisions of para 4-13(a) for re-fixation of salary. Thus, the management wants to adopt two fictions in interpreting this provision, viz. that even though there was a transfer of an employee from a higher area to a lower area before 19-10-1966, he should be deemed to be working in a higher area for the purpose of salary only; and secondly, that a transfer within the same area after the date of Ex. W-32 must be deemed to be from a higher area to a lower area. In my view, there is absolutely no difficulty in interpreting the plain language of para 4-13(a). The transfer from a higher to a lower area, can only mean a physical transfer. There is no scope whatever for deeming an employee to be working in a higher area, just for the purpose of salary alone, when in fact, he is really working in a lower area. What is contemplated in para 4-13(a) is certainly not a fictional transfer, but a physical transfer, after 19-10-1966, from a higher area to a lower area, at the request of the employee. As already stated, the transfer of these employees from a higher area to a lower area had already taken place, prior to 19-10-1966 and their pay was protected by virtue of the Desai Award. There is no room for deeming that they were working in a higher area, even subsequent on 19-10-1966 and that consequent to their transfer at their request, they should be deemed to be transferred from a higher area to a lower area. Since para 4-13(a) is unambiguous and as there is no scope whatsoever to resort to any fiction (which is what the management wants me to do), the action of the management in re-fixing the



salary and emoluments of these employees on the basis that their transfer albeit in the same area, is a fictional transfer from a higher to a lower area, at their request, is totally untenable. It has to be further borne in mind that these employees had obtained a vested right to their scale in the higher area scale of pay, prior to 19-10-1966, and such a right cannot be so facilely defeated by an interpretation of 4.13(a) applying fictions.

7. To sum up, on the facts, the latter part of para 4.13(a) of Ex. W-32 is clearly inapplicable, as there was no transfer of these employees from a higher area to a lower area after 19-10-1966. Their transfers were only within the same area at their request. The management was therefore not justified in refixing their pay scales on the strength of para 4.13(a). I therefore hold that the re-adjustments of salary and emoluments of Sri P. N. Balaji, Sri K. Rathnakar and Sri Habib Rahman, on their transfer to Chennimalai, Gangully and Palni is unjustified and direct the management to pay the salaries and emoluments which they would have been entitled to and paid but for the re-adjustment made by the management.

8. **Issue No. 2.**—The second item of reference relates to Sri U. Bhaskar Shenoy, who was drawing his basic salary in the pay scale applicable to area II, when he was working in Madurai. He was transferred from Madurai to Bangalore (Area I), where he joined on 5-8-1967 and his basic pay was refixed in the scale applicable to Area I. On 11-8-1967, there was a settlement between the Union and the management, under which, *inter alia*, the employees were given the option to seek re-transfer to a state from which they were transferred. 31-8-1967 was the dead line for the exercise of such option. The settlement also provided a formula for appointing such employees, who sought transfer from one State to another, as Assistant Accountants. The settlement is Ex. W-31 and the relevant paragraph is as hereunder :

"It is agreed that in the case of transfers on request from one State to the other, the employee shall not be eligible for application of the formula for being appointed as Assistant Accountant in the State to which he has been transferred for a period of three successive applications of the formula, from the date of his joining at the transferee branch, subject to the proviso that all such transfers effected prior to 25-1-1964 shall not be attracted by this provision. Employees who are affected by this provision and who are desirous of availing the opportunity for application of the formula shall have an option to seek re-transfer to the State from which he was transferred. Such option, however, shall be exercised on or before 31st August, 1967."

Hence, if Sri Bhaskar Shenoy had desired to continue to work in Bangalore, he would not be eligible for the application of the formula for being appointed as Assistant Accountant in the State to which he was transferred, within 3 successive applications of the formula. As he was affected by this provision, he exercised his option for retransfer to Madras State, so as to get the benefit of *status quo ante*. By this letter dated 18-8-1967 (Ex. W-15), Sri Bhaskar Shenoy exercised his option in terms of the above paragraph. He also stated in his letter that his transfer under the said option would not attract the provisions of para 4.13 of Ex. W-32. In the reply to it, the management sent Ex. W-16, stating that as a special case, Sri Bhaskar Shenoy was transferred to Coimbatore as per Ex. W-17. He was relieved at Bangalore on 2-9-1967. His basic pay was thereafter refixed in Area II pay scale, at the stage, where he would have been, if he had not been transferred from Madurai to Bangalore. The management relies on para 4.13(b) of Ex. W-32 in support of its action. It is as follows :

"A workman transferred to an area where a higher pay scale applies will be governed by the pay scale applicable to the higher area and shall have his basic pay fixed in the pay-scale applicable to the higher area at a stage corresponding to his stage in the lower area Pay Scale. If, however, such workman is transferred back to his original area, before completing a total service of one year in the higher area, his pay shall be refixed in the lower area pay scale at the stage where he would have otherwise been had he not been so transferred."

On behalf of the Union, it is submitted that the above para will not apply to this case, as the transfer was pursuant to the exercise of an option given under Ex. W-31 and that it

would come into play only if the transfer was at the request of the employee and not in exercise of a right conferred on him under the settlement. I am unable to see any force in this contention. The right given to the employee under Ex. W-31 is only an option for retransfer, and that is the option he had exercised in Ex. W-15. Therefore, it is a re-transfer which he had asked for, though this is pursuant to a right of option given to him. As Sri Bhaskar Shenoy had been transferred, albeit in exercise of the option given to him, it is still a transfer back as contemplated in 4.13(b) before completing a period of one year of service in the higher area, that is, in Bangalore.

9. Yet another contention raised by the Union is to the effect that the management is precluded from taking action under 4.13(b) of Ex. W-32, since Sri Bhaskar Shenoy had, in Ex. W-15, stated that his transfer would not attract the provisions of para 4.13 of Ex. W-32 and that the management had, in Ex. W-16, accepted it without any demur and that being so, the management is estopped from relying on it. In Ex. W-15, the employee has, no doubt, stated that his transfer will not attract the provisions of para 4.13. But it is not open to the employee to say that para 4.13 will not apply, if in fact it is attracted. The exercise of his option could extend only to his asking for a re-transfer under para 12 of Ex. W-31, and nothing more. It is not open to him to impose any further condition. But the Union leans heavily on Ex. W-16, wherein the management has stated that as a special case, he is transferred to Coimbatore. This does not amount to any waiver on the part of the management of its right to refix his pay in the lower pay scale. Actually this is not a right conferred on the management, but merely what is agreed to between the management and the workmen. Be that as it may, I am clearly unable to read Ex. W-16 as a waiver on the part of the management. There is nothing either in Ex. W-16 or Ex. W-17 to show that the management would not apply the provisions of para 4.13(b). Therefore, there is no substance in the contention that the management having waived its right to reduce the salary as per 4.13(b), cannot turn round now and invoke that provision. It was also stated at the Bar, on behalf of the Union that if the management had told the employee that 4.13(b) would apply, he would not have asked for a transfer to Coimbatore. There is no such plea in the claim statement. In fact, even in Ex. W-19, the employee has not made any such claim.

10. The learned counsel for the Union has also urged that the doctrine of promissory estoppel would apply in this case. This argument again proceeds on the assumption that in Ex. W-16, there has been what is called a waiver on the part of the management to invoke 4.13(b). In support of his contention the learned counsel also invited my attention to the following passage at page 350 in "Law relating to Estoppel by Representation" by George Spencer Hower.

"The essence of the doctrine is that a person is not permitted to enforce the strict legal rights when it would be unjust that he should be allowed to do so, having regard to the dealings which have taken place between the parties. But those dealings must amount to one party having been led by the attitude of the other to alter his own position."

The above observations can have no application to the present case, since there is no material to hold that it was the conduct of the management which had led the employee to alter his position, namely, applying for a transfer. Actually, it is a case of his exercising an option under Ex. W-31 and not of the management enticing him to exercise the option and making him believe that 4.13(b) would not apply to his transfer. Thus, the plea of promissory estoppel cannot, in my view, be sustained. I therefore find that the readjustment of salaries and emoluments of Sri U. Bhaskar Shenoy on his transfer in terms of the option exercised by him under the settlement dated the 11th August, 1967 is justified. In the result, an award is passed accordingly.

Dated this, 23rd day of April, 1973.

G. GOPINATH, Presiding Officer.



**Witnesses Examined**

For both sides : None....

**Documents Marked****For workmen :**

- Ex. W-1/22-3-1960—Proceedings of the Management regarding the transfer of Thiru P. N. Balaji from Bangalore to Erode.
- Ex. W-2/19-9-1964—Relieving order issued to Thiru P. N. Balaji.
- Ex. W-3/9-10-1964—Proceedings of the Management regarding the transfer of Thiru P. N. Balaji from Erode office.
- Ex. W-4/3-11-1967—Further order regarding the transfer of Thiru P. N. Balaji to Erode office.
- Ex. W-5/3-11-1967—Proceedings of the Management regarding the transfer of Thiru P. N. Balaji to Erode office.
- Ex. W-6/13-12-1967—Letter to the Erode office giving the salary particulars and leave particulars of Thiru P. N. Balaji.
- Ex. W-7/16-3-1968—Letter from Thiru P. N. Balaji to the Management requesting to modify the proceedings by releasing the increments payable to him.
- Ex. W-8/27-4-1968—do
- Ex. W-9/29-4-1968—Letter from Thiru P. N. Balaji to the management.
- Ex. W-10/2-5-1968—Reply from the Management to Exs. W-7 to W-9.
- Ex. W-11/21-5-1968—Letter from Thiru P. N. Balaji to the management regarding salary and emoluments.
- Ex. W-12/29-4-1969—Letter from Thiru P. N. Balaji to the management accepting his salary for April, 1969 under protest.
- Ex. W-13/26-3-1968—Letter from Thiru A. Habib Rahiman working in Palni office requesting to restore his basic pay to Rs. 194.
- Ex. W-14/8-5-1969—Copy of letter from the Management issued to Thiru A. Habib Rahiman.
- Ex. W-15/18-8-1967—Letter from Thiru U. Bhaskar Shenoy to the management.
- Ex. W-16/25-8-1967—Letter No. 5861 : E-12 transferring Thiru U. Bhaskar Shenoy to Coimbatore office.
- Ex. W-17/25-8-1967—Proceedings of the General Manager of Administrative office regarding the transfer of Thiru U. Bhaskar Shenoy to Coimbatore office.
- Ex. W-18/2-9-1967—Relieving order issued to Thiru U. Bhaskar Shenoy.
- Ex. W-19/19-9-1967—Letter from Thiru U. Bhaskar Shenoy to the Manager, Coimbatore office regarding the salary payable to him for the month of September, 1967.
- Ex. W-20/5-10-1967—Letter from Administrative office, Bangalore to Thiru Bhaskar Shenoy.
- Ex. W-21/23-10-1967—Letter from Thiru U. Bhaskar Shenoy to the General Manager, Administrative office regarding the fixation of scale of his basic pay.
- Ex. W-22/30-11-1967—do
- Ex. W-23/14-11-1967—Reply letter to Ex. W-21 and 22.
- Ex. W-24/24-11-1967—Copy of proceedings of the General Manager, Administrative office, regarding the transfer of one Thiru K. Rathnakar.
- Ex. W-25/29/30-8-1967—Letter from the Administrative office, Bangalore to The Manager, Coimbatore regarding the refixation of basic pay of Thiru Rathnakar.

Ex. W-26/24-10-1967 do

Ex. W-27/29-8-1969—Copy of letter from Thiru Rathnakar to the General Manager, Bangalore.

Ex. W-28/3-9-1969—Letter from the Head Office, Bangalore to Thiru K. Rathnakar (T.C.).

Ex. W-29/22-9-1969—Copy of letter from Thiru K. Rathnakar to the Custodian, Canara Bank, Bangalore.

Ex. W-30/26-9-1969—Reply letter from the Deputy General Manager, Administrative Office, Bangalore to Thiru K. Rathnakar.

Ex. W-31/11-8-1967—Memorandum of settlement under section 2(p) of the Industrial Disputes Act, between the parties.

Ex. W-32/19-10-1966—Settlement on the Industrial Disputes between certain banking companies and their workmen (Printed book).

For Management : Nil.

G. GOPINATH,

Presiding Officer.

[No. L. 12025/3/72/LR III]

Note : The parties are directed to take return of their document/s within six months from the date of the award.

New Delhi, the 9th May, 1973

**S.O. 1442.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 5th May, 1973.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA**

REFERENCE NO. 43 OF 1972

**PARTIES:**

Employers in relation to the State Bank of India,

AND

Their Workmen

**Present :**

Shri S. N. Bagchi—Presiding Officer.

**Appearances :**

On behalf of Employers.—Sri A. Roy Mukherjee, Bar-at-Law, instructed by Sri A. K. Sil, Solicitors.

On behalf of Workmen.—Sri A. D. Singh, Executive Committee Member of State Bank Workmen's Organisation.

State : West Bengal

Industry : Banking

**AWARD**

By Order No. L. 12012/34/72/LR.III, dated 29th June, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, (Department of Labour and Employment), referred the following industrial dispute existing between the employers in relation to the State Bank of India and their workmen, to this tribunal, for adjudication, namely:

"Whether by virtue of nature of duties performed by him Shri Keshab Saran Bhattacharjee, Cash Coolie of the State Bank of India, Calcutta, is entitled to the remuneration of a Clerk? If so, from which date?"

2. The workman represented by the State Bank Workmen's Organisation, Bengal Circle, filed its written statement signed by the General Secretary of the union concerned on

27-9-1972 whereas the Bank, employer, filed its statement of case on 16-9-1972. The union alleges *inter-alia* that the workman Sree Keshab Saran Bhattacharjee has been working in the Cash department of the State Bank of India, Strand Road, Calcutta, temporarily with effect from 16th May, 1959 in different capacities and was absorbed in the permanent vacancy in the Cash department of the bank at the same branch as a Cash coolie with effect from 15th December, 1959. Though Sri Bhattacharjee has been designated as a Cash Coolie, he had been allotted the clerical duties in the cash department since his temporary appointment as a Poddar. The management found Sri Bhattacharjee sufficiently literate and intelligent and exploited him by allocating clerical duties and paying a salary of that of subordinate staff. Bhattacharjee worked as a Cashier in coin receipt counter, wrote coin receipt register and initialled vouchers in token of receipt of the coin with effect from 15th December, 1959 to the end of 1972. Later on he generally worked in sub-chest-vault, wrote issue to tellers note register and disbursed salary with effect from the beginning of 1963 to 14th April, 1967. Occasionally Sri Bhattacharjee was asked to work as a receiving Assistant Cashier on Savings Bank counter and wrote Saving Bank receipt register on 7th January, 1963, 15th July, 1963 to 18th July, 1963, 20th November, 1963 to 23rd November, 1963. The services of Sri Bhattacharjee were utilised in other counters of the Cash Section. He worked at salary sundry deposit on 1st June, 1963, 4th June, 1963, 5th September, 1963, 16th September 1963, 16th October 1963 and 11th November, 1963, and prepared relative voucher of salary sundry deposit on the above dates. Thereafter he has been accounting one rupee notes and coins at small coin receiving counter. The duties performed by Sri Bhattacharjee as stated are that of a clerical nature and not that of a cash coolie. A cash coolie has to carry boxes containing currency notes from vault to sub-chest-vault and *vice-versa*. He also unloads boxes containing currency notes from the Bank vans, brought from different branches. Although Sri Bhattacharjee has been performing the duties of a Cash clerk, he has been given salaries of that of a subordinate cadre. Sri Bhattacharjee made several oral and written representations for promotion and for disbursement of clerical salary to him but the management neither promoted him nor paid him his legal dues. Sri Bhattacharjee made final representation to the management *vide* his letter dated 29th October, 1971 and this union also represented his case to the management *vide* letter dated 30th November, 1971 but the management did not even care to reply to the representation. Relying on the observations made in paragraph 530 of the Sastry award the claim of the workman for promotion to clerical post is said to be justified. The management found Sri Bhattacharjee sufficiently literate and intelligent and therefore entrusted with him the duties of clerk but did not treat him as a clerk. Sri Bhattacharjee should be designated either as a clerk or a Cashier and should be paid the salary accordingly although he has been paid the salary awarded to subordinate cadre. The union therefore claims that the duties performed by Sri Keshab Saran Bhattacharjee are that of the clerical nature and Sri Bhattacharjee should be treated as a clerk with effect from 15th December, 1959 and he should be reimbursed with clerical salary with effect from 15th December, 1959 and all other benefits of clerical nature should follow.

3. I have already pointed out that the Bank filed its statement of case on 16-9-1972 while the union filed its statement on 27-9-1972. Thereafter, the union filed a rejoinder to the Bank's statement of case. The Bank's main contention is in paragraph 7 of its statement of case which reads as follows: "The Bank denies that Sri Bhattacharjee who was appointed to work as Cash coolie ever worked in any other capacity. Assuming that Sri Bhattacharya did any work appertaining to the duties of a cash clerk which is denied, the bank states that he did so on his own initiative and without proper sanction or authority from the bank". In the rejoinder filed by the union on behalf of the workman in paragraph 4 it is stated "the statement contained in paragraph 7 of the written statement of the bank is not true. Sri Bhattacharjee performed the duties of the cashier under orders from the competent authorities who signed and countersigned the work performed by Sri Bhattacharya with full knowledge".

4. From the respective statement of cases the following questions of fact arises for decision :

- (i) Whether Cash Coolie Sri Bhattacharjee was ever entrusted by the State Bank of India, Calcutta,

with the duties of a Cash clerk; if so, for which period being so entrusted with such duties the said Cash Coolie worked as a Cashier clerk?

- (ii) Is the Cash Coolie Sri Bhattacharjee, if he was entrusted by the Bank to perform the duties of a Cashier or a Cash clerk for any period as alleged, by the State Bank of India and as such performed the duties so entrusted to him by the Bank, entitled to be designated as Cash clerk and to receive the pay of the scale of Cash clerk for the period he is said to have been entrusted to perform the duties of the Cash clerk by the Bank and other benefits attached to the scale?

5. Point (i).—The State Bank of India is governed by the State Bank of India Act, 1955. Section 43 of the State Bank of India Act, 1955 reads as follows:

"43(1). The State Bank may appoint such number of officers, advisers and employees as it considers necessary or desirable for the efficient performance of its functions, and determine the terms and conditions of their appointment and service.

- (2) The officers, advisers and employees of the State Bank shall exercise such powers and perform such duties as may be entrusted or delegated to them by the Central Board".

The State Bank of India General Regulations 1955 framed under the Act which are binding only between the State Bank and its employees being not regulations having statutory force prescribe in paragraph 55(1), (2) clauses (a) and (b) of the regulations as follows:

"55. (1) Save as provided in sub-regulation (2) and as may be directed by the Central Board, a Local Board may exercise all the powers of the State Bank in respect of the staff serving in the areas in its jurisdiction.

- (2)(a) The initial appointment of officers of all categories shall be made by the Executive Committee. Such officers shall not be dismissed from the service of the State Bank except by the Executive Committee.

- (b) The salary and other emoluments to be granted to officers and other employees appointed by the Executive Committee shall be as laid down in Rules of Service approved by the Central Board and, where no such rules have been laid down, as fixed by the Executive Committee.

The local branch of the State Bank of India such as the State Bank of India at Calcutta, has the right to appoint such number of officers advisers and employees as it considers necessary and desirable for efficient performance of its functions and to determine the terms and conditions of their appointment and service. The officers, advisers and employees of the State Bank shall exercise such powers and perform such duties as may be entrusted or delegated to them by the Central Board, as provided for by Section 43(1) and (2). This section should be read with State Bank of India General Regulations, 1955, paragraph 55 (1), (2) clauses (a) and (b). Under Regulation 55(1), the State Bank in respect of the staff serving in the areas in its jurisdiction shall have all the general powers as provided for by Section 43(1) and (2) of the State Bank of India Act, 1955 and special powers as provided for by Regulation 55 Sub-regulation (2) clause (b) in regard to officers and other employees. The bank asserts and the union does not dispute that Sri Bhattacharjee was temporarily appointed Cash Coolie in or about 1957 by the State Bank of India at Calcutta, at Strand Road, now main branch. Sometime in 1957, at the Bank asserts in paragraph 1 of its statement of case that Sri Bhattacharjee obtained temporary employment in the Bank as Poddar or Cashier on the strength of his representation that he had passed the Matriculation examination. The said representation was found to be false. Subsequently Sri Bhattacharjee was given the employment as temporary Cash coolie. On 15th December, 1959 Sri Bhattacharjee was given permanent appointment as Cash coolie in which capacity he had been working since. In its first written statement which was filed by the workman through the union on 27-9-1972, 11 days after the Bank had filed its written statement, nothing was stated controverting paragraphs 1 and 2 in the statement of case filed by the bank. The rejoinder

to the bank's statement was filed by the union on 19-12-1972. In paragraph 1 it was stated that the statement contained in the written statement of the management that sometime in 1957 Sri Bhattacharjee obtained temporary employment in the Bank as a Poddar or Cashier on the strength of his representation that he had passed the Matriculation examination which was found to be false is not a fact. Shri Bhattacharjee never made such representation to the bank. This paragraph was verified not by the workman but by somebody with certain initials which is undecipherable. The person intialling the verification, made the statement in paragraph 1 of the rejoinder on the basis of records and information received from the workman which the verifier of the statement believes to be true. The verifier of the statement did not board the witness box whoever he might be. No record was placed before the tribunal to show that the bank's statement in paragraph 1 of its statement of case is false. The workman who boarded the witness box did not dare challenging the truth of the statement made in paragraph 1 of the statement of case filed by the bank. Bank's statement of case was verified by Bimal Chandra Chose, Personnel Manager, a principal officer of the State Bank of India, Calcutta. He verified the statement in paragraph 1 of the statement of case upon information derived from records in the possession of the bank which information the verifier believes to be true. Be that as it may, Ext. W3 dated 1-6-1957 shows that Keshab Sharan Bhattacharjee was temporarily appointed at Rs. 4 per day as Poddar from 1-6-1957 to 30-6-1957. Ext. W3(i) shows that Bhattacharya was temporarily appointed at Rs. 4 per day as a Poddar from 22-4-1957 to 30-4-1957, Ext. W3(ii) to W3(xxii) relate to temporary appointment as Cash Coolie or Messenger during specified period in 1956 to 1960 of Shri Bhattacharjee in the bank at Rs. 40 with usual allowances per month. Why is it that only on two occasions for short periods Bhattacharjee was employed temporarily as Poddar, that is from 22-4-1957 to 30-4-1957 and 1-6-1957 to 30-6-1957 while during the period from 1956 to 1960 he got temporary appointments as Cash coolie or messenger for specific periods as mentioned in Exts. We(ii) to W3(xxii). Circumstances support the truth of the Bank's statement in paragraph 1 of the statement of case. All those exhibits would show that the appointing authority of Bhattacharjee is the Chief Accountant whose signature though undecipherable is appearing all those documents above the printed column as well as certain other undecipherable initials which, according to the workman, were of officer-in-charge or as a matter of that Khajanchi. Document Ext. W3 and W3(i) are the two documents showing temporary appointment of Bhattacharjee as Poddar for two short periods. All other documents relate to the appointment of Bhattacharjee for temporary period during 1956 to 1960, either as Cash Coolie or as Messenger and all those documents were signed by the Chief Accountant-signatures, however, are undecipherable, countersigned still more by undecipherable initials said to be of Khajanchi or Officer-in-charge of the cash department. This is the state of record. Admittedly as the bank stated in paragraph 2 of its statement of case the workman Cash coolie was permanently appointed as Cash Coolie on 15th December, 1959. The workman in his evidence admitted that in Salary Register he is designated even now as Cash Coolie and draws pay as Cash Coolie. It would, however, appear that memo dated 2-12-1959, Ext. W3(xxii) records Keshab Saran Bhattacharjee as being appointed temporarily as cash coolie at Calcutta local office for three months from 3-12-1959 to 2-3-1960. The letter of permanent appointment which the workman got could not be produced by him. So, it is accepted that on 15th December, 1959 the workman concerned was appointed by the Chief Accountant of the State Bank of India at Calcutta main branch as Cash coolie permanently, by the virtue of the statutory provisions of Section 43 of the Act and Regulation 55(2)(b).

6. I have pointed out that Section 43(2) of the State Bank of India Act, 1955 lays down that the officers, advisers and employees of the State Bank shall exercise such powers and perform such duties as may be entrusted or delegated to them by the Central Board. This powers of the Central Board under the State Bank of India General Regulation, 1955. Paragraph 55(1) and (2), clause (b) can very well be exercised by the local branch of the State Bank. So, the Chief Accountant of the State Bank of India at Calcutta is the delegated appointing authority in regard to Cash Coolie and Cash clerk or Poddar in the Cash department of the State Bank of India at Calcutta main branch (*vide* Ext. W3 series). It is the appointing authority, the Chief Accountant, who is statutorily authorised to entrust the duties attached to a post to be performed by an employee in the Cash

department. Section 42(2) of the State Bank of India Act specifically says that the officers and employees of the State Bank shall exercise such powers and perform such duties as may be entrusted or delegated to them by the Central Board, or as a matter of that. In view of regulations referred to above, by the State Bank of the local area. This being the legal and factual situation appointment to a clerical or to a subordinate post and performance of duties attached to a clerical post or to a subordinate post must have to be entrusted by the authority of the State Bank of India within a local area and its jurisdiction who is competent under the provisions of the State Bank of India Act and regulation to entrust the duties attached to a clerical post as well as to the duties attached to a post in the subordinate cadre. When a Cash coolie is appointed in the Cash department by the Bank, the appointing authority for and on behalf of the bank under its delegated powers shall have to entrust the duties attached to the post of a Cash Coolie to be performed by the appointee Cash coolie. Similarly, if the appointing authority finds that the Cash Coolie who is entrusted to perform certain duties attached to the post of a Cash coolie should be entrusted with the duties to be performed attached to the post of Cashier clerk in that department, on being appointed to the post of a Cashier clerk, it is that very authority that shall have to make such appointment, specifying the nature of duties to be performed by the appointee and shall entrust to him for performance of the specified duties attached to such post. In the case of State Bank of Bikaner and Jaipur v. Shri Hari Har Nath Bhargava, reported in 1971 11 LLJ, p. 331, Sc., it was observed that if an employee is asked to render services attached to a post, such as that of a supervisory character, and the employee does such work at the request of the bank, he becomes entitled to the allowances attached to the post in connection with which he rendered the services. Designation of an employee is not decisive. What determines the status is a consideration of the nature and function assigned to the employee concerned. The question will be who assigned to the Cash coolie the duties attached to the post of a Cashier or Cash clerk on behalf of the State Bank of India at Calcutta. The bank has stated in paragraph 7 of its statement of case that without any authority, without any sanction from any authority of the bank if the Cash coolie performed any duty of a Cashier or a clerk, he did it voluntarily without being assigned by the bank to perform such duties. The Bank i.e. the State Bank of India in Calcutta, in regard to a Cash coolie employed in the bank at the main branch, must be construed as the Chief Accountant of the main branch. He is the appointing authority of a Cash coolie as well as of a cashier clerk (Poddar) in the Cash department of the main branch of the State Bank of India. So, it is the Chief Accountant while appointing a Cash Coolie or a Cash clerk shall entrust on behalf of the bank the duties attached to either of such posts, so that for any misfeasance or malfeasance in performance of the duties attached to either of the posts performed by the employee to either of the posts, the bank would be liable so far as law would make the bank liable. Therefore, as Section 43(1) and (2) of the State Bank of India Act, 1955 read with the General Regulation 55(1) and (2) clause (b) say, the Chief Accountant of the State Bank of India at Calcutta main branch is the authority to appoint a cash coolie and to entrust him with the duties attached to the post of a Cash coolie to the appointee, and is also the authority to appoint a Cashier or a Cash Clerk in the Cash department and entrust him with the duties attached to such posts to the appointee. It is clear from Ext. W3 series that the Chief Accountant makes the appointment, not orally but in writing, and the workman was appointed temporarily for short periods, either as a Poddar or as a Messenger or a Cash coolie by the Chief Accountant of the Bank during 1956 to 1960. By Annexure B to the written statement of the workman, filed by the union which is admitted by the bank, the workman for the first time approached the Chief Accountant, State Bank of India with a written representation which reads as follows:

The Chief Accountant, State Bank of India,  
Calcutta L.H.O., 1, Strand Road,  
Calcutta.

Sir,

Please refer to my various oral representation to you regarding the performance of clerical nature of duties in the Cash Department with effect from 15th December, 1959. I failed to understand why the management has turned a deaf ear to my representation. This is the last written representation I am making before you to consider by case, which has been pending for a considerable period.

Please reimburse the difference of pay between the clerk and a peon for which I am entitled to with effect from 15th December, 1959 till date and oblige.

Yours faithfully,

Sd/- KESHAB SARAN BHATTACHARJEE.

Cash Department,  
Calcutta,  
the 29th October, 1971.

To this representation no reply was given by the Chief Accountant. Why the workman approached the Chief Accountant? Because, as he said in his examination in chief, that all complaints and all prayers regarding his service are to be made to the Chief Accountant in writing through the Cash Department, the head of which is Khajanchi. So, the workman complained in writing, as he said in his examination in chief on oath, about his grievances to the then Chief Accountant of the Bank i.e., the appointing authority. He admitted that in the written complaint Annexure B he did not give out that under oral instructions, given by Shri Ghatak, Retired Khajanchi and P. C. Sen, Khajanchi in office, he had performed all the duties he claimed to have had performed as stated in his statement of case being in the nature of a Cash Clerk while he has been holding the appointment to the post of a permanent Cash Coolie on and from 15-12-1959. He is at present doing the duty of counting one rupee note and small coins deposited by parties and brought out from vault. He admitted in cross-examination that he was never orally instructed by the Chief Accountant, not to speak of in writing, to do any clerical job in the Cash department. He further admitted in cross-examination that the letter, Annexure B, Ext. W1, was not sent through cashier to the Chief Accountant. Cashier at that time i.e. on 29-12-1971 was one Mr. Ghatak who retired only on 4th October 1972. Regarding his performance of the duties of a cashier or a cash clerk in the cash department, although he has been holding the post of a cash Coolie, the workman said that he got oral instructions from Mr. Ghatak, Khajanchi, who retired on 4th October, 1972 and from the present Khajanchi Mr. P. C. Sen, to perform duties attached to a post of Cashier or a Cash clerk. The union was allowed to lead evidence through the workman regarding what was the oral instructions that was given by Ghatak and Sen, the Khajanchi is concerned to the workman regarding the duties he has been performing since 15-12-1959 claiming to be the duties of a Cashier or a Cash clerk in the Cash department until now. Ghatak is alive and subject to the process of the Court. P. C. Sen is alive and is also subject to the process of the Court. They are not the appointing authority either of a Cash coolie or a Cash clerk in the Cash department of the State Bank of India at Calcutta main branch. Neither of the Khajanchis was summoned by the workman. So, what was their oral instructions under which the workman claims to have been performing the duties attached to the post of a Cashier or a Cash clerk could not be admitted in evidence being hit by the rule of hear-say. If those two persons had been summoned I presume that they would not have supported the workman's story that they had ever orally instructed the workman Cash coolie to perform any duty or duties attached to the post of a Cashier or a Cash clerk. That is the reason why the workman dared not summoning the two Khajanchis who are alive and one of them is now serving in the Bank and other retired in 1972 (Ghatak) and are both under the jurisdiction of the process of this Tribunal. So, I may conclude, as I do, that neither of the two Khajanchis nor the Chief Accountant for and on behalf of the State Bank of India at Calcutta main branch had ever entrusted to the Cash coolie Shri Bhattacharjee any duty that he claimed to have had performed and to have been performing, attached to the post of a Cashier or a Cash clerk. In October, 1971. Ext. W1, Annexure B, when the workman sent the written representation to the Chief Accountant, the appointing authority, he did not send the representation through the then Chief Cashier or Khajanchis of the Cash department alleging therein that it was the Khajanchi Ghatak who had orally instructed the Cash coolie Bhattacharjee to perform the duties attached to the post of Cashier i.e. Cash clerk, and that following such oral instruction, the Cash coolie had been performing the duties attached to the post of a Cashier or cash clerk.

7. Several attempts were made by the workman to prove certain vouchers Exts. W4 to W7 which bear certain initials and which the workman claimed he had written to justify his claim that he had been working, though a cash coolie, as a Cashier or a Cash Clerk. None of the said documents

which the workman attempted to prove in support of his claim of having had worked as a Cashier clerk in the Cash department could be lawfully proved. Take Ext. W6 and W6 (1)-Current account pay in slip dated 16-9-63. Teller and Head Cashier initialled the same and the workman claims that he wrote the body of the slip. There is no initial of the workman's authority for alleged performing of the who initialled as Teller and Head cashier respectively. Same is the case with Ex. W4 and Ext. W7 dated 19-9-63. In Ext. W5 dated 4-6-63 on the reverse side there is initial K. B. and Khajanchi signed with his official seal affixed. The Khajanchis were not called as witnesses but the source of the workman's authority for alleged performing of the duties of a clerk attached to the Cash department is the oral instruction said to have been given by the Khajanchis who are alive. There is no explanation why the two Khajanchis who had allegedly issued the oral instructions to the cash coolie to perform the duties attached to the post of a cashier or cash clerk had not been summoned by the workman through its representative, the union which claims to have been espousing the cause of the workman who is said to have been exploited by the bank. The workman himself admitted that the Chief Accountant who is the appointing authority never gave any oral instruction to the workman, cash coolie, to perform any duty attached to the post of a Cashier or cash clerk. In Bhargava's case their Lordships of the Supreme Court held that the duties must be assigned by the bank. In Lloyd's Bank's case approved by the Supreme Court in Bhargava's case it has been held that the Bank must entrust the employee with the duties to be performed attached to a post. Section 43 (2) of the State Bank of India Act 1955 clearly lays down that while appointing an employee to a post he must be entrusted with the performance of the duties attached to the post by the bank, that means the appointing authority of the bank. If this is not done the bank would not in law be liable for anything done by anybody in the bank in the matter of employment of anyone in the services of the bank. In its rejoinder, the workman through the union stated in paragraph 4 that Bhattacharjee performed the duties of a Cashier under the orders from the competent authorities who signed and countersigned the work performed by Shri Bhattacharjee with full knowledge. This statement of fact could not be established by an iota of evidence by the workman who took his oath and gave his statement on oath. It was not stated who the competent authority was in paragraph 4 of the rejoinder not it was stated who passed the order asking a cash coolie to perform the duties of a clerical nature in the cash department of the bank. On the witness box, for the first time the workman gave out Ghatak, a retired cashier and P. C. Sen, a cashier in service gave oral orders to cash coolie Bhattacharjee to perform the duties of a cashier or cash clerk. This case attempted to be made out for first time in the witness box by the workman never found place either in the rejoinder or in the original statement to case filed for the workman by the union nor this case could be proved by the workman by the evidence he had adduced on oath. The documents Ext. W4 to W7 sporadically written at long intervals of time by the workman cash coolie do not even suggest that he did any clerical work systematically from 15-12-1959 till the day. The workman said in evidence that he has now being sitting in the counter and counting Rupee one note and small coins. But who entrusted him with such duty? The present Khajanchi was not summoned by the workman to prove that Khajanchi gave him orders to do such duty.

8. This case was first attempted to be made out in the witness box by the workman but he failed miserably to prove it by producing best evidence available as required by law. This new case did not find place either in the rejoinder or in the original statement of case filed by the union for the workman. The document Ext. W4 to W7 show, which could not be proved as required by law by the workman, that sporadically as long intervals the workman who has capacity to write documents in English wrote the aforesaid documents, but those documents do not, however, suggest that from 15-12-1959 till before the dispute arose the workman systematically, while holding the post of a cash coolie, had performed the duties of a clerical nature as a cashier clerk in the bank. The workman claimed, while giving evidence that he is now sitting in the cash counter counting one rupee note and small coins and that such duty is that of a cashier clerk. The bank must have for each counter in the cash department a cashier clerk. There is the cashier clerk cadre in the bank. From 1959 till to-day has the bank been running short of a cashier clerk in the cash counter wherefor a cash coolie had to be entrusted with the duties

attached to the post of a cash clerk while his permanent appointment is that of a cash coolie who is to perform the duties attached to his post by carrying cash chest from the vault to the sub-chest and other place in the cash counter and *vice-versa*. Who is now performing the duties attached to the post of a cash coolie in place of the workman? There is no evidence. No evidence on this point was led by the workman. The bank must have in its cash coolie cadre specified number of posts and also must have in its cash clerk cadre specified number of posts. I can legitimately presume regarding being had to the common course of public business in a statutory body like the State Bank of India, Calcutta, an establishment in the public sector, that the bank maintains regular list of posts and holders of posts in the clerical and subordinate cadres at the main branch in Calcutta. In the cadre list, the holders of the posts of the cash coolies and cash clerks being in two different cadres, the names of the holders of posts must be entered. Any vacancy arising in any post that is to be filled up by employment shall have to be notified by the bank under Section 4 (1) of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959. Section 6 of the Act clearly says that the Government Officers empowered to administer the Act can enter into the bank's office, examine all papers in relation to the matters of employment or appointment in any vacancy to any post to be filled in by employment by the bank by following the provisions of that Act. So, after the State Bank of India Act, 1955 and the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, came into force there is no room for any silly shally. The Bank must maintain its cadre list of subordinate posts and clerical posts. Any vacancy in either of the cadres that is to be filled up by employment or appointment shall have to be notified to the local Employment exchange. If there is any vacancy existing in the post of a cash clerk in the main office of the branch during the period from 15th December, 1959 till date and if that vacancy has not been filled up by the bank but the duties attached to the post which is vacant are being performed during such period by cash coolie i.e. the workman, on being entrusted by the bank to perform such duties, the boot must be on the other leg. The bank, as I have already observed, in relation to the cash department of the State Bank of India at Calcutta in the main branch so far as it relates to the appointment of a cash coolie or a cashier clerk means the Chief Accountant but not either any Khajanchi or any Teller or anybody else working in the cash counter of the bank. I have already observed that Khajanchis were not summoned as witnesses by the workman to prove that under the oral orders of the two successive Khajanchis the workman has been working from 15-12-1959 till this date as a cash clerk while holding the post, on being so appointed, as a permanent cash coolie. The question will naturally arise that assuming that the cash coolie has been performing during these period of 12 years as a cash clerk, he has likely been entrusted by the bank to perform the duties of a cash clerk although his duties are that of a cash coolie. The source of entrustment by oral order for performance of the duties of a cashier clerk during this period by the workman, as he claims, was the two successive Khajanchis although they do not represent the bank and are not appointing authorities either of a cash coolie or of a cashier clerk. The workman failed to prove that he had never been entrusted even by the Khajanchi to perform any duty of a clerical nature at the cash counter of the bank at any time during the period from 15th December, 1959 till date. He admitted that he never got any oral instruction from the Chief Accountant for performing any duty attached to the post of a cashier clerk. I presume that the required cash clerk, who is to perform the duties which the cash coolie Bhattacharjee claims to have been performing during these 12 years, has been holding the post of the cash clerk and there is no vacancy in the cadre of the cash clerk. That cash clerk, I presume, has been entrusted to perform the duties attached to his post and he has been performing such duties. Then where is any room for the cash coolie Bhattacharjee to perform the duties of any cashier clerk in the cash counter? If he claims that he has been systematically performing the duties of a cashier clerk during the last 12 years he must have been performing such duties against a vacant post but I cannot make such an wild presumption having regard to the common course of natural event and public business in a bank like the State Bank of India at Calcutta an establishment in the public sector, governed in the matter of filling up of any vacancy in any post by employment in the bank by the provisions of Employment Exchanges (Com-

17 G of 1/73—9

pulsory Notification of Vacancies) Act, 1959. So I can legitimately conclude that the cash coolie at the behest of some cash clerk, i.e. the workman, having some rudimentary knowledge in 3 Rs, sporadically wrote a few pay in slips, the nature of which I have already discussed. Therefore, I conclude upon consideration of the entire evidence and circumstances that the State Bank of India in Calcutta main branch i.e. the Chief Accountant of that branch had never entrusted to the cash coolie Bhattacharjee with any duty attached to the post of a cashier clerk at any time during the period from 15th December, 1959 till date. I do not find that during the period aforesaid the cash coolie has actually and systematically performed the duties of a cash clerk at the cash counter. He claims that now he is counting one rupee note and small coins at the cash counter and that it is the duty of a cashier clerk. Is there any vacancy in the post of a cashier clerk at the cash counter of the State Bank of India main branch, Calcutta? I presume there is no such vacancy. If the workman is doing any duty of a cash clerk by counting one rupee note and small coins at the cash counter, he is doing so at the behest of the very clerk in office now, but not either by oral or by written instruction issued by the Chief Accountant of the bank. For all these considerations, I hold that the cash coolie Bhattacharjee was never entrusted by the State Bank of India at Calcutta i.e. Chief Accountant of the main branch of the bank, to perform the duties of cash clerk at any time during the period from 15-12-1959 till to-day. During the period aforesaid, at the behest of some cash clerk who is anonymous or somebody else in the cash counter the cash coolie Bhattacharjee spordically wrote a few documents which do not even suggest that during the period from 15th December, 1959 till date he has been actually and systematically performing the duties attached to the post of a cashier clerk at the cash counter of the State Bank of India at Calcutta main branch. As I do not find any evidence as to who is performing the duties of a cash coolie attached to the post of each coolie that is being held by the workman, I presume that he has been performing since 15-12-1959 till date the duties attached to the post of a cash coolie but no other duties. I do not find from the evidence that the bank or as a matter of that the Chief Accountant of the bank ever entrusted during the period aforesaid to the cash coolie Bhattacharjee any duty attached to the post of a cashier clerk in the cash department of the State Bank of India at Calcutta main branch.

#### 9. Point No. (ii) :—

In view of my finding on Issue No. (i), I need not dilate on this issue. The cash coolie Bhattacharjee was not entrusted by the Bank to perform the duties of a cashier or a cash clerk for any period, as alleged, by the State Bank of India at Calcutta. So, he cannot be designated as a cashier clerk with effect from 15-12-1959. He is not systematically performing any duty attached to the post of a cash clerk being so entrusted to perform such duties by the Chief Accountant of the bank i.e. the State Bank of India at Calcutta. Therefore, the cash coolie Bhattacharjee is not entitled to any wages during the period from 15-12-1959 till date attached to the post of a cashier clerk in the State Bank of India at Calcutta main branch.

10. In the result, I hold that Shri Keshab Saran Bhattacharjee, Cash Coolie, State Bank of India, Calcutta is not entitled to any relief as claimed and I reject the reference in the manner stated above.

This is my award.

[No. L. 12012/34/72/LR/II]  
S. N. BAGCHI, Presiding Officer

New Delhi, the 9th May, 1973

**S.O. 1443.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 5th May, 1973.

[No. L. 12011/1/72/LR/III]

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA. Reference No. 32 of 1972

#### Parties :

Employers in relation to the State Bank of India,  
AND  
Their Workmen.

**Present :**

Sri S. N. Bagchi.—Presiding Officer.

**Appearances :**

On behalf of Employers.—Sri A. Roy Mukherjee, Bar-at-Law, instructed by Sri A. K. Sil, Solicitor.

On behalf of Workmen.—Sri A. D. Singh, Executive Committee Member of State Bank Workmen's Organisation.

State : West Bengal

Industry : Banking

**AWARD**

By Order No. L. 12011/1/72/LR/III, dated the 10th May, 1972, the Government of India, in the Ministry of Labour and Rehabilitation (Department of Labour and Employment), referred the following disputes existing between the employers in relation to the State Bank of India and their workmen, to this Tribunal, for adjudication, namely :

"Whether the action of the management of the State Bank of India, Calcutta in holding tests and recruiting clerks-cum-typists/clerk-cum-stenos between May and November, 1971 without notifying the vacancies on the Bank's Notice Board, is justified? If not, what should be the procedure to be adopted by the Bank to get the vacancies filled afresh?"

2. On behalf of the State Bank of India Sri A. Roy Mukherjee Bar-at-Law, appearing, raised a preliminary objection that the reference relating to the issue involved in the dispute is not an industrial dispute under the Industrial Disputes Act and that this tribunal has no jurisdiction to entertain and adjudicate upon the dispute. The issue consists of two parts; the first part is: whether the action of the management of the State Bank of India, Calcutta in holding tests and recruiting clerk-cum-typists/clerk-cum-stenos between May and November, 1971 without notifying the vacancies on the Bank's Notice Board is justified; and the second part; if not, what should be the procedure to be adopted by the Bank to get the vacancies filled in afresh. The first part of the issue resolves into the following elements: (a) tests were held between May and November, 1971; (b) after holding the tests clerk-cum-typists/clerk-cum-stenos were recruited; (d) the tests and recruitment following the tests, of candidates had been held and made without notifying the vacancies on the Bank's notice board; (d) if the vacancies were not notified on the Bank's notice board what is the effect of holding the tests and recruitment of clerk-cum-typists/clerk-cum-stenos between May and November, 1971? (e) were the tests held and recruitment made invalid? If so, are those, who are in service on such recruitment, to be dismissed from service? The next part of the issue is that if the holding of tests and recruitment of the incumbents to the posts of clerk-cum-typists/clerk-cum-stenos without notification in the Bank's notice board unjustified, the incumbents recruited to the posts, on being dismissed, a procedure for fresh recruitment to the vacancies caused by the dismissal of the incumbents to the posts, should be laid down by this tribunal.

3. Sri A. D. Singh who appeared on behalf of the Union that raised the dispute submitted that the union never wanted that the incumbents to the posts of clerk-cum-typists/clerk-cum-stenos, recruited by holding the tests during May and November, 1971 and who are in service on such recruitment, although the holding of tests and recruitment to the vacancies had not been notified on the Bank's notice board, should be dismissed from their posts. He submitted that the issue under the reference had been thrust upon the union although the union did not want the issue, as that referred to for adjudication, should be as such that its ultimate effect would be the dismissal of the incumbents to the posts recruited after tests held between May and November, 1971, even though the tests were held without notification in the Bank's notice board. Sri Singh felt really sorry for the issue as appearing in the order of reference, couched in the language as used in the issue since the issue as such invites the Tribunal to declare that the incumbents holding the posts should be dismissed. This is the most benevolent stand that was taken by the union at whose instance the issue in question was referred to for adjudication by this tribunal by the Central Government.

4. Let me analyse the factual situation regarding the recruitment of the clerk-cum-typists/clerk-cum-stenos who were recruited after tests being held by the Bank between May and November, 1971 and who are in April, 1973 holding those posts, upon a historical perspective. The famous Sastry award in paragraph 492 while dealing with the submission of Mr. Phadke, Counsel representing the most of the employees of the Imperial Bank of India and certain

Exchange banks summarised the workmen's demand in relation to the recruitment of bank employees, as follows: (a) recruitment should be made on the basis of educational qualification, (b) sons and daughters of the employees should be given preference, (c) there should be no direct recruitment to the supervisory and officers' grades, (d) no probationer should be appointed without pay or on pay at less than the grade pay, (e) period of probation should be limited to three months. The Sastry award at page 137 paragraph 493 observed: "The complaint that relatives of directors and highly placed officers of banks are taken up in preference to persons otherwise qualified has not been established before us, and consequently, we do not feel justified to give any direction in this connection. We suggest that banks in their own interests should, in case of a reasonable number of vacancies, advertise them and then make appointments after passing the candidates through such tests as they may consider necessary. The Banks should also maintain register of candidates in which their names, ages, qualifications, previous experience if any, and special merits and recommendations should be entered, and such registers should be revised periodically and kept upto-date". This is all. Where there are reasonable number of vacancies the bank should advertise them and then make appointments after passing the candidates through such tests as the bank may consider necessary. Sastry award only suggests that the bank should advertise reasonable number of vacancies if there is any, but it does not suggest how such vacancies should be advertised. Sastry award suggests that the bank after advertising reasonable number of vacancies, if there be any, get the candidate recruited after passing such tests as the bank should consider necessary. In Desai award at page 227, in paragraph 21.12, certain matters in dispute were considered as raised by the All India Bank Employees' Federation, viz., (1) Apprentice, (7) Direct recruitment and promotion. No evidence had been led about any alleged abuse. The award says: "The recruitment or promotion policy of banks did not fall within the ambit of the terms of reference. The question of duty lists and allowances has been dealt with in other parts of this award. No further directions are given in connection with what is stated under the head". So, about recruitment of clerks, typists and stenographers, etc., the Desai award gave no direction. In item No. 22 of Desai award, at page 289, Chapter XXIII, under heading "Any other question connected with or arising out of the foregoing matters (Items Nos. 1 to 21 in Schedule 11 to the order of Reference), the award says at page 291, clause (9)—"At the time of recruitment a notice giving therein the actual number of vacancies, the requisite qualification etc. and inviting applications is to be hung upon the notice board in the respective offices at least a fortnight ago. Other conditions being equal first preference is to be given to the employees' relatives. Relatives of employees be given preference subject to requisite qualification, in the employment of the Bank's service, in the same office with them and the present system of not employing the relatives of the employees in the same office despite their requisite qualifications, be discontinued". There should be no direct recruitment in supervisory cadre". At page 298, paragraph 23.28 on item 9 of the demand, referred to in paragraph 23(1), page 291, Desai award observes: "As regards the demands made under the heads, it has been pleaded that the claims made do not fall within item 22. Recruitment and promotion policies of banks do not fall within the ambit of the terms of reference and I have no jurisdiction to entertain the demands in connection therewith. No directions are given in connection with these demands". Clause (9) under heading 'Recruitment' at page 291 which embodies the demand of the employees of the bank relating to the notification of vacancies and preferential treatment of the relatives of the bank employees in the matter of recruitment being found beyond the ambit of the reference, Desai award observed as above in paragraph 23.28 at page 298 of the award. The settlement arrived at between the Bank Management and their Workmen on 18th October, 1966, in Chapter I under the heading 'General' it is said: "1.1.—The parties are agreed that the provisions of the Award at the All-India Industrial Tribunal presided over by Shri P. Sastry as finally modified and enacted by the Industrial Disputes (Banking Companies) Decision Act, 1955, the Industrial Disputes (Banking Companies) Decision Amendment Act, 1957 and the provisions of the Award of National Industrial Tribunal presided over by Mr. Justice K. T. Desai in Reference No. 1 of 1960 which Award Inter-alia modifies certain provisions of the Sastry Award, shall govern the service conditions therein covered except to the extent that the same have been modified in this Settlement."



So, Desai award and Sastry award would govern the service conditions excepting to the extent that the same have been modified by the settlement. The settlement arrived at between the Banks management and their workmen on 19th October, 1966, Govt. Publication of the Settlement, does not contain anything about the method of recruitment of clerks, etc. so, there is only one suggestion in Sastry award regarding recruitment of clerks, etc., which I have already referred to, being that in case of a reasonable number of vacancies banks should advertise them and then make appointments after passing the candidates through such tests as they may consider necessary.

5. Now, after Sastry award, in 1953, and before Desai award of 1962 and the Bi-partite Settlement of 1966, there came in 1959 the Employment Exchanges (Compulsory) Notification of Vacancies Act, 1959. The said Act came into force on and from 1st May, 1960 in the State of West Bengal Section 2(b) of the Act says, "employee" means any person who is employed in an establishment to do any work for remuneration. Section 2(d) says, "employment exchange" means any office or place, established and maintained by the Government for the collection and furnishing of information, either by the keeping of registers or otherwise, respecting—(i) persons who seek to engaged employees, (ii) persons who seek employment, and (iii) vacancies to which persons seeking employment may be appointed. In Section 2(e)—"establishment" means—(a) any office, or (b) any place where any industry, trade, business or occupation is carried on. In Section 2(f) "establishment in public sector" means an establishment owned, controlled or managed by—(1) the Government or a department of the Government, (2) a Government company as defined in Section 617 of the Companies Act, 1956, (3) a Corporation (including a cooperative society) established by or under a Central, Provincial or State Act, which is owned, controlled or managed by the Government and (4) a local authority. The State Bank of India is governed by the State Bank of India Act, 1955 and State Bank Regulations and rules framed thereunder and is therefore "an establishment in public sector" and persons employed in that establishment to do any work for remuneration i s "an employee". Section 4(1) of the Act says, "After the commencement of this Act in any State or area thereof, the employer in every establishment in public sector in that State or area shall before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed". Sub sec. (3) of Section 4 of the Act says, "The manner in which the vacancies referred to in sub-section (1) or sub-section (2) shall be notified to the employment exchanges and the particulars of employments in which such vacancies have occurred or are about to occur shall be such as may be prescribed". Sub sec. (4) of Section 4 says, "Nothing in sub-sections (1) and (2) shall be deemed to impose any obligation upon any employer to recruit any person through the employment exchange to fill any vacancy merely because that vacancy has been notified under any of those sub-section". So, after 1st May, 1960 the State Bank of India located at Calcutta being an establishment in public sector and an employer shall, before filling up any vacancy by employment in any branch in State Bank of India at Calcutta notify the vacancy to such employment exchange as may be prescribed. This is the compulsory method of notification that has been prescribed by the Act, So, Sastry award or bi-partite agreement or Bank's circular No. 84 dated 28th February, 1969 are all only pieces of paper having no effect so far as notification of vacancies relates to. Section 4(1) of the Act says that the employer in every establishment in public sector in the State, as in this case, in West Bengal, in relation to the State Bank of India located at Calcutta, shall, before filling up any vacancy in any employment notify that vacancy to such employment exchange as may be prescribed. This is the compulsory duty of the employer as enjoined by law. But what is the effect of violation of Section 4(1). In the case of Narasimhamurthi (M.C.) and others vs. Director of Collegiate Education and others, reported in 1967 I LLJ p. 606, Division Bench of Mysore High Court, explained Section 4(1) of the Act and the Rules framed under the Act. Clause (5) of Rule 2 defines local employment exchange. Clause 2(e) of the Rule defines Establishment. Establishment means any office or any place where any industry, trade, business or occupation is carried on. State Bank is an establishment in public sector. It has got to notify any vacancy in which employment has to be given arising in State Bank office at Calcutta to the local employment exchange at Calcutta. In

the reported case the petitioners were appointed Second Division clerks on a purely temporary basis. Their services were terminated. After termination of their service, in their place certain other persons were appointed. The petitioner before the Division Bench of the Mysore High Court contended that the persons who were appointed in the vacancies caused by the termination of the services of the petitioners who were employed on a temporary basis, had not been lawfully appointed, since the vacancies to which those persons were appointed had not been notified to the employment exchange at Oorgaum, Kolar Gold Fields area where the college in question, where the petitioners were temporarily employed, and after whose termination of services, others were employed in those vacancies. The vacancies were notified to the Regional Employment Exchange at Bangalore as the office of the college was located at Bangalore although the college itself was located at Kolar area where there was the local employment exchange. Their Lordships considered the situation after discussing the legal implication of the notification of vacancies as laid down in Section 4(1) and (2) of the Act and failure to notify the vacancies as enjoined by sub-section (1) of Section 4 of the Act, and observed as at page 609 of the Report, "There is no provision in the Act for rendering invalid any appointment made by the employer, when he makes those appointments without complying with the requirements of sub-sec. (1) and (2) of S. 4. It is true that S. 7 provides for imposition of penalty on an employer who fails to notify the employment exchange as required by Sub-sec. (1) or (2) of S. 4. But that by itself cannot have the effect of rendering invalid any appointment made by the employer without complying with the requirements of Sub-sec. (1) or (2) of S. 4 of the Act. If it was the intention of the Act that any appointments made by the employer without complying with the requirements of Sub-sec. (1) and (2) of S. 4 should be rendered invalid, it is reasonable to expect that specific provision would have been made for that purpose in the Act. In the absence of any such provision and on a consideration of the scheme of the Act and the object which it is intended to serve, we are satisfied that there is no strength in the contention that the appointments made by the employer will be rendered invalid, merely by reason of his not complying with the requirements of Sub-sec. (1) and (2) of S. 4 of the Act. Therefore, this contention fails". Section 4(1) of the Act says only to advertise vacancies and that provision should be followed by an establishment in the public sector as the State Bank of India is. So, no other method of advertisement of the vacancies can be prescribed. The prescribed statutory method works as a check against any possible nepotism, favouritism and pre-entry near closed shop type of manoeuvres by interested persons, prevalent in certain European countries. Section 5 of the Act calls upon the employer in every establishment in public sector such as State Bank of India at Calcutta to furnish such information or return as may be prescribed by rules framed under Sec. 10 of the Act in relation to the vacancies that have occurred or about to occur for employment in that establishment to the employment exchanges as may be prescribed. Sub-section (3) of Section 5 enjoins that the form in which and the intervals of time at which such information and return shall be furnished and the particulars they shall contain shall be such as may be prescribed. Where the employer refuses to furnish such information or return as required by Section 5 or gives false information or return he shall be punishable for first offence with fine which may extend to Rs. 250 and for every subsequent offence with fine which may extend to Rs. 500 as provided for by Section 7 of the Act. Section 6 of the Act says, "Such officer of Government as may be prescribed in this behalf, or any person authorised by him in writing, shall have access to any relevant record or document in the possession of any employer required to furnish any information or returns under Sec. 5 and may enter at any reasonable time any premises where he believes such record or document to be and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required under that section". So, the scheme of the Act is, particularly in relation to an establishment in public sector, that all vacancies in which employment is to be given shall be notified by the employer to the local employment exchange. Section 3 only accepts certain employments from such notification. Clause (d) exempts notification of employment to do unskilled office work. There is no scope for any tribunal in relation to any recruitment in any establishment in public sector to prescribed any procedure for notifying vacancies to which employment is to be made arising or likely to arise in such establishment, other than that which law lays

down. The State Bank of India is an establishment in the public sector. It shall have to notify all vacancies arising or likely to arise in the State Bank establishment at Calcutta to the local employment exchange at Calcutta as enjoined by Section 4(1) of the Act. If it fails to do the statutory duty there is the penalty of prosecution. How many vacancies had arisen in a particular period and how many vacancies will arise in near future, are to be notified to the employment exchange. Whether the vacancies were duly notified to the employment exchange of the area, whether any false information relating to such vacancies had been given or any material information relating to the vacancies had been suppressed could be enquired into by none else but by the officers of the State Government as required by Section 6 of the Act. By Sec. 5 of the Act the State Bank of India, the employer, i.e. an establishment in public sector situated in Calcutta, is bound to furnish statistical return as prescribed by the rules of all vacancies notifying as arising and as shall arise in Calcutta area. When there is thus a clear statutory provision as in Sec. 4(1) of the Act, which is in force from 1st May, 1960 there is no scope for any agreement, any office circular, any award to supersede the existing law. But the beauty of the law is that even in violation of Sec. 4(1) or (3), particularly an establishment in public sector, such as State Bank of India at Calcutta, without notifying any vacancy to the local employment exchange appoints anyone in that vacancy, the appointment shall not be invalid; but the authorities of the State Bank would be liable to prosecution and fine under Sec. 7 of the Act. Who can take legal action, if any, illegality or irregularity arises for non-compliance with Sections 4 and 5 of the Act in relation to any vacancy arising in any office of an establishment in public sector such as the State Bank of India? It is not the Industrial tribunal but the specified officers of the Government as Section 6 specifically provides. Section 4, 5, 6 and 7 of the Act give complete protection to all citizens who are eligible for an appointment to a vacancy, having adequate qualification, therefore, to be considered for such appointment by the employer in relation to an establishment in public sector, as well as in certain cases, in private sector too. So, there is no scope for any industrial tribunal to prescribe any procedure for notifying vacancies, arising on a particular occasion or that would arise on a particular occasion in future in the State Bank of India at Calcutta, when Sec. 4(1) of the Act itself lays down the procedure for any vacancy that would be filled up by employment arising in the State Bank of India at Calcutta at any time through employment exchange of the local area. If there was any agreement contrary to Sec. 4(1) of the Act between the bank and its employees or any circular issued by the Bank, accepted and acted upon by both the bank and its employees, that agreement and circular would be void being contrary to the law and cannot be in force nor can be acted upon since May, 1960. All vacancies in which employment is to be made are to be notified. Persons registered in the local employment exchange where the establishment in the public sector is situated, having adequate qualification for appointment to notified vacancy would be referred to the public sector concerned by the local employment exchange, when it shall notify the vacancy or vacancies arising in its office. The office of the public sector, such as State Bank of India, on receiving the names of the registered candidates from the local employment exchange having adequate qualifications may consider the eligibility of such persons for appointment to the vacancies so notified subject to the referred registered candidates, passing the tests. It is clear by the provision of Section 4(1) of the Act that all vacancies but not any percentage of vacancies, arising at a particular time in the establishment of a public sector must be notified to the local employment exchange.

6. In paragraph 3 of its statement of case the State Bank of India, Calcutta refers to an agreement with the Ministry of Labour, Employment and Rehabilitation of the Government of India without specifying the date of the agreement and states that under the said agreement out of the total number of candidates to be called for by the bank for written tests at least 70 per cent of the candidates have to be those sponsored by the Employment Exchange provided the Employment exchanges are able to sponsor the requisite number of candidates. The said agreement further provides that of the remaining 30 per cent of the candidates at least half should be candidates who are registered with employment-exchanges. In paragraph 4 of the statement, it is stated by

the bank that after the tests were held the bank received a letter dated 23rd September, '71 from the Secretary of the trade union wherein it was alleged that the bank had not notified the vacancies for the information of the bank employees and that the holding of the said test was thus arbitrary, unjust and constituted an unfair labour practice on the part of the Bank and that the tests held on 6th May, 1971 should be cancelled. In Annexure A to the banks written statement there is the copy of the letter by the General Secretary of the union. He complained that the vacancies in question were not notified either on the notice board of the office or newspaper for the information of the employees. The management secretly informed the office bearers of a certain union who along with the officers of the bank forwarded the applications of their sons or relatives and only the said applicants were allowed to sit for the written test and interview. The management is going to recruit candidates very shortly. The act of not notifying vacancies for information of all the employees and making it only to the officers of the bank and representatives of a certain Union is an act of discrimination, unjust, arbitrary and motivated and an act of unfair labour practice. The above act of the management has curtailed the right of the general employees who could not forward the applications of their sons/relations for the recruitment in the bank. So, the General Secretary requested to take up the dispute immediately and to put pressure upon the management to stop the unlawful recruitment and notify the vacancies on the notice board for information of all the employees so that they may be able to forward the applications of their sons/relations for the test in time. This only shall meet the ends of justice. This letter is dated 7th October, 1971. So, the union cried hoarse for the sons and relatives of the employees by the letter in question. The union waits for the sons and relatives of the employees of the Bank. Are the sons and relatives of employees of the Bank a favoured class of Indian citizen that can claim any discriminatory and preferential treatment in the matter of their employment in the State Bank of India? Would it not be highly discriminatory, opposed to the principles of Article 16(1) and 16(2) of the Constitution, if any trade union, or any office in an establishment in the public sector, indulges in procedure for recruitment of employees in such an establishment in a public sector where the sons and relatives of the employees of the establishment should have preferential treatment as against other citizens, duly qualified for appointment to any vacancy in the office of an establishment of a public sector, such as the State Bank of India? The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 by Section 4(1) makes no discrimination as to the notification of vacancies arising in the office of an establishment in the public sector. The section does not say that while notifying the vacancies, the employer in an establishment in public sector should ask the employment exchange to select those registered candidates who are sons and relatives of employees of any bank or as a matter of that of the State Bank. Why an employee's son or a relative, of the State Bank of India, shall have preferential treatment as against any other citizen, for appointment to a vacancy in a post in the State Bank of India? All citizens must have equal opportunity for employment or appointment in any public office and any discriminatory rule or agreement would offend Article 16(1) and 16(2) of the Constitution, except in some special cases enjoined by such articles. State Bank of India is within "other authorities" within article 12 Part III of the Constitution of India and as such it cannot ignore the Constitutional mandates in Article 16 of the Constitution. So, the union representing the workmen in this case asked the State Bank to indulge in discriminatory treatment violating Article 16(1) and (2) of the Constitution while writing the letter as in Annexure A. Annexure B is the State Bank's letter to the Assistant Labour Commissioner. In this letter dated 13th November, 1971 it has stated "In accordance with an agreement entered between the Government of India, Director General of Employment and Training and the Bank all vacancies occurring in the office of the State Bank are notified to the employment exchange who are requested to sponsor suitable candidates. In terms of the aforesaid agreement not less than 70 per cent of the candidates that have been called for written test have to be those sponsored by the employment exchange, the bank having liberty to call not more than 30 per cent of the total number of candidates considered directly; Of these 30 per cent of the total number of candidates, at least half have to be those registered with the employment exchanges. In terms of the said arrangement, clerical vacancies are not advertised in the press. The above general procedure was followed in connection with the recruitment at this office also. Further, it



is customary at this office to display the information in regard to the vacancies arising at this office from time to time in the Notice boards at the appropriate time and this was done in the instant case also. From the above you will observe that the allegations contained in the letter of complaint enclosed to your letter No. Cal 51/(70)/71 dated the 16th October, 1971 are quite baseless and have no foundation". There is no authority falling within Art. 12 of the Constitution that can violate the law and Constitution by any agreement to the contrary. The only method of notifying all vacancies arising or likely to arise at the State Bank i.e. in the office of an establishment in the public sector, like the State Bank of India at Calcutta, is to notify all such vacancies that have arisen at a particular time or are likely to arise in future to which employment is to be given by filling up such vacancies, to the local employment exchange, and no question of anybody's sponsoring any percentage of such vacancies and of anybody's making out a procedure regarding notifying such vacancies to the local employment exchange regarding employment to such vacancies contrary to those prescribed by the Act itself [Section 4(1) of the Act] can arise. Section 4(1) of the Act says, "shall before filling up any vacancy in any employment in that establishment notify that vacancy to such employment exchange as may be prescribed". There is no scope for anybody to make an agreement whoever he may be contrary to Sec. 4(1) of the Act, and the agreement, if any, as referred to in the letter of the State Bank of India, is void. So the only method of filling up any vacancy is to notify such vacancy to the employment exchange of the area. Neither any circular nor any agreement contrary to Sec. 4(1) of the Act would be of any avail. So, any other method of notifying any vacancy arising or likely to arise in the office of an establishment in a public sector like the State Bank of India at Calcutta would be illegal when there is the specific provision of law as in Section 4(1) of the Act. Sec. 3 of the Act says that the Act shall not apply to certain vacancies particularly in any employment to do unskilled office work. "Unskilled office work" does not mean a clerical job. Be that as it may, the vacancies against which recruitment in May and November, 1971 had been made were notified to the employment exchange at Calcutta by the State Bank of India at Calcutta. If it had not notified all the vacancies that had been filled up by holding tests but only 70 per cent of the vacancies, that would also not invalidate the appointment of those persons who have been already recruited and are holding posts in view of the Mysore High Court's decision which I have referred to above. I have already observed that Sastry award has not very rightly prescribed how the vacancies should be advertised. The Desai award had no scope of laying down any procedure for advertising any vacancy. There is the statutory procedure which must be followed and that in Sec. 4(1) of the Act, which clearly says amongst other things, "shall before filling up any vacancy in any employment in that establishment notify that vacancy to such employment exchange as may be prescribed". I felt amused to find that the State Bank of India at Calcutta could plead of an agreement, which I have already referred to, in their statement of case, blatantly violating the provisions of Sec. 4(1) of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959. I was none the less amused to find the union's stand in their letter of complaint to the Assistant Labour Commissioner. The union did not espouse the cause for the citizen workmen, but they espoused the cause for those amongst the citizens who are fortunately either sons or relatives of the employees of the State Bank of India at Calcutta and blissfully indulged themselves to be a party to the violation of the principle of equality in the eye of law of all citizens in relation to the matter of employment in and appointment to any post under an authority which is "State" within Art. 12 of the Constitution, as enshrined in Article 16(1) and 16(2) of the Constitution. I am surprised to find how there could be a reference calling upon this tribunal to lay down a procedure for advertising vacancies in relation to any employment in the office of an establishment in the public sector like the State Bank of India at Calcutta. Section 4(1) of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 is clear. Any vacancy arising in any office in the public sector unless coming within the exception as in Section 3 of the Act, shall have to be notified to the employment exchange of the area in which the office of the establishment in public sector is situated. That is the best way of advertising any vacancy in the office of an establishment in public sector which the legislature found to be the most just and equitable, and for the violation of such procedure, the legislature has prescribed specific penal provision. I wonder whether any agreement between the

State Bank of India and the Director General of Employment and Training could over-ride any provision of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959. So, I find that when the vacancies were notified to the local employment exchange and candidates responded to the notification of such vacancies as made through the employment exchange and were recruited by holding tests by the State Bank of India at Calcutta. The State Bank of India at Calcutta was quite justified in recruiting the candidate who are now holding the posts of clerk-cum-typists/clerk-cum-stenos. This tribunal would not prescribe any method of notification of any vacancy arising in the office of an establishment in the public sector like the State Bank of India in Calcutta other than the method that has already been prescribed by Section 4(1) of the Act as above. Any agreement, any Circular or any demand or dispute contrary to the provisions of Section 4(1) of the Act would be void and inoperative in law as well as any award, if made in contravention of that section of law.

7. The second part of the issue under reference as Shri Singh understood at the opening of the case by Mr. Mukherjee, the learned Counsel, that by not advertising vacancies in the notice board of the State Bank, the recruitment of the incumbents now holding the posts had been illegal, and as such they should be dismissed and that fresh recruitment after proper advertisement as would be prescribed by the Tribunal should be made. Forseeing such a probable catastrophic situation arising, Sri Singh submitted that the issue as referred to for adjudication had been thrust upon the union by the appropriate Government. The union never wanted that even if it was found that the advertising of the vacancies had not been made by posting notices of the vacancies on the notice board of the office of the State Bank of India, and even if such failure to advertise was unjustified, the services of those who have been recruited and were continuing to hold the posts should not be dispensed with. But, as I have analysed the issue, and as Mr. Roy, the learned Counsel for the Bank has analysed the issue under reference and that very properly, the present incumbents to the posts are required to be dismissed, if it is found by this tribunal that the notification of the vacancies would have been lawful had the notice of such vacancies been hung upon the notice board of the State Bank. There can be no scope for hanging up any notice of any vacancy on the notice board of the State Bank when the law in Sec. 4(1) of the Act has provided for notification through the Employment Exchange. But this tribunal has found that the vacancies were notified to the local employment exchange and candidates registered in the local employment exchange offered themselves for appointment and sat in the test. Those who were found qualified in the tests were recruited. If there was any irregularity in notifying the vacancies through the employment exchange that would not invalidate the appointments as held by the Division Bench of the Mysore High Court that went so far as to hold that even non-compliance with the provisions of Sec. 4(1) of the Act would not invalidate any appointment. I hold that there was no illegality in the method of recruitment of incumbents in the posts of clerk-cum-typists/clerk-cum-stenos, who were recruited by holding tests by the State Bank of India, Calcutta between May and November, 1971.

8. Sri Singh appearing for the union wanted to impress upon me while addressing the tribunal that if on the Notice Board at the Head office at the Strand Road, Calcutta the vacancies relating to the recruitments in May and November, 1971 had been notified, employees of the Bank would have then been posted with information as to how many vacancies were to be filled up, and that the employees of the Bank could have pressed the preferential claim of their sons and relatives for appointment to such vacancies on the basis of the Circular No. 84, Ext. W1. All citizens shall have equal opportunity for employment and appointment irrespective of their caste, creed, sex and other preferential situations for any office under the State [Article 16(1) of the Constitution]. Why the employees of the Bank should get the information relating to vacancies? They could, if got notice of the vacancies, press their claims for appointment to the vacancies of their sons and relatives. Such a sinister demand was placed before the Sastry tribunal as will appear at page 136 of Sastry Award by the employees of the Imperial Bank of India, the successor Bank being State Bank of India, and certain other Exchange banks being claim no. (9) viz., sons and daughters of employees should be given preference. In that connection His Lordship Sastry observed, "the complaint that relatives of directors and highly placed officers are taken up in pre-

ference to persons otherwise qualified has not been established before us and consequently do not feel justified to give any direction in this connection". The demand was that the sons and daughters of the employees should be given preference in the matter of employment and appointment to an office under the Imperial Bank when there was no State Bank of India, governed by the State Bank Act of 1955. The argument was that the relatives of the directors and the highly placed officers of the bank were given appointment ignoring persons otherwise qualified. That argument could not stand. Similar allegation in the union's statement of case in this reference, however, was not proved and remains in cold types. On the other hand, it could not be pressed before His Lordship Sastry that the sons and relatives of the employees of the Banks concerned should be given preference. On the other hand the contention was that the relatives of directors and highly placed officers were preferred for appointments to persons who were otherwise qualified and were not relatives of directors and highly placed officials of the bank. The demand was inconsistent with the argument. There is a circular of the Bank, Ext. W1, which is also very amusing. The circular reads as follows:

### "RECRUITMENT

Recruitment of Clerks/Cashiers/Godown Keepers/  
Subordinate Staff.

Relaxation of minimum educational qualifications.

Will be permitted in the following cases :—

#### (i) Children/Near relatives of Bank employees.

In case of candidates who are children of employees or near relatives only in cases of childless employees: 2nd Division in Matriculation/School Final/Higher Secondary/Pre-University/University Entrance or equivalent examination. This facility will be restricted to one child/relative per employee. All cases where the concession regarding educational qualification is proposed to be extended in respect of near relatives of childless employees should be referred to the controlling authority for their prior approval."

The Sastry award in the pertinent observation gave clear suggestion that there should be no discrimination and there should be no preferential treatment but I am amused to find a circular issued by the bank, accepted by the union and gleefully worked upon by both the employer and employees, the bank and its employees, in blatant violation of the positive directions in Article 16(1) and 16(2) of the Constitution. The State Bank of India governed by the State Bank Act, 1955 is within "other authorities" as in Article 12, Part III of the Constitution. So, in matters of employment in or appointment to any office under the State Bank of India, it should not work upon a circular as that Ext. W1 and the Bank employer or any union shall have no right to claim any preferential treatment for employment in the bank for any of its relatives on the basis of such circular. The only just and equitable method of advertising any vacancy in the State Bank of India to be filled up by employment is what Sec. 4(1) of the Act enjoins, consistent with the spirit of Article 16(1) of the Constitution and that method but no other, must be followed by the bank.

9. Is the dispute referred to for adjudication "an industrial dispute"? It is not. The Bank advertised the vacancies in conformity with law through the employment exchange as required by Sec. 4(1) of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959. That is the only method enjoined by law for advertising each and every vacancy that is to be filled up by employment in the office of the State Bank of India, not only at Calcutta but in all its branches, governed by the State Bank Act of India, 1955 as well as by Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959. On the notice board why the vacancies should be advertised? And on which notice board of the State Bank of India at Calcutta? When there are more than many branches throughout the city not to speak of many such branches outside the city and within the State of West Bengal. The language used in the issue is 'without notifying the vacancies on the bank's notice board'—this is vague. The State Bank of India, as I have already observed, has innumerable branches within the city of Calcutta as well as within the State of West

Bengal. The issue does not say that the notification of the vacancies had not been made by posting notices of the vacancies on the notice board of the office of the State Bank of India located at Strand road at Calcutta, being the Main branch in the area of West Bengal. I have already observed that there is no legal duty on the State Bank of India at Calcutta to notify any vacancy that is to be filled up by employment in any post under the State Bank of India at any office within the Union of India, except the duty of notifying each and every vacancy that would be filled up by employment or appointment by any of the offices of the State Bank of India within the Union of India to the Employment exchange of the local area of the Bank as required by Section 4(1) of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1955 and the rules made thereunder. But, the demand in the issue is that as the State Bank of India did not notify the vacancies by posting notice in the office of the State Bank of India, the tests held and the recruitment made against the vacancies being unjustified is illegal. The State Bank in its statement of case has stated that it had notified the vacancies as required by law i.e. Sec. 4(1) of the Act. It remains unchallenged. When the Sastry award was made and published on 26-3-1950, there was no Act like the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, not even the State Bank of India Act, 1955. Access to jobs should be free. This is in the interest of the development of economy and of optimal use of man power. If there be any restrictions to access to jobs, they should be imposed by organs of the Government responsible through democratic processes and not by any organisation that is not publicly responsible. Why the union made a demand for notification of the vacancies in the notice board of the State Bank of India? The answer will be found in paragraph 11 of the statement of case filed by the union which reads as follows: "That the rights of the employees to sponsor their sons, daughters and near relations for the candidature for recruitment in the bank stands cut unless the vacancies are notified on the notice board of the bank for the information of all the employees sufficiently in advance to enable them to forward the applications of their children and near relatives in appropriate time for recruitment". The demand for notification of the vacancies by posting the notice on the notice board of the bank for the information of all employees sufficiently in advance to enable them to forward the applications of their children and near relatives in appropriate time for recruitment". The demand for notification of the vacancies by posting notice on the notice board of the office of the State Bank of India is based upon the aforesaid alleged right of the employees of the bank which right however, is opposed to Article 16(1) and 16(2) of the Constitution and as such no right at all. It also offends Sec. 4(1) of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959. Therefore, the demand that the notification of the vacancies had not been posted on the notice board of the office of the State Bank of India is illegal and unwarranted by the specific mandate of the Constitution, enshrined in Art. 16(1) thereof so far as it relates to the right of all citizens for equal opportunity for employment in or appointment to any office under the State. Therefore, the demand that as notice of the vacancies had not been posted in the notice board of the State Bank of India, the tests held and recruitment made against the vacancies was unjustified is itself illegal and unwarranted being opposed to Article 16(1) of the Constitution which directs that all citizens shall have equal opportunity for employment in or appointment in any office under the State. I have already mentioned that the State Bank falls within "other authorities" in Article 12, of Part III of our Constitution of India. (See Kedar Nath Lal v Life Insurance Corporation of India, reported in 1973 L.I.C., p. 24). Therefore, all citizens shall have their fundamental right to have the equality of opportunity for employment in or appointment to any office under the State Bank of India at any of its branches within the Union of India. No sons or relatives of any employee of the State Bank can claim, nor any employee of the bank having sons or relatives can claim that the employee concerned and their sons or relatives shall form as it were a privileged class having a right of preferential consideration as against all other citizens for employment in or appointment to any vacancy in any office under the State Bank of India. The union has waited for the bank's default in not notifying the vacancies in the notice board of the office of the State Bank only because the employees of the State Bank could not be posted with the information as to the vacancies, wherefor they could sponsor the cases of their sons and relatives for preferential

treatment by the employer State Bank of India in the matter of filling up of the vacancies in the posts to which the present incumbents had been recruited between May and November, 1971 and are holding the posts. Sri Singh, representing the workman sub-mitted that the bank's default in that respect was denial of social justice and smacked of unfair labour practice. I was perplexed to find that such a stand could be taken by the union in violation of the Constitutional mandate and the law relating to notification of any vacancy that is to be filled up by employment in any office of the State Bank of India. The union's demand viewed from this aspect is neither a demand nor a dispute within Sec. 2(j) of the Industrial Disputes Act since there can be no demand or a dispute against any Constitutional mandate and the established law of the land. No Industrial Tribunal can be adjudication of the issue of a demand like the present one, render any award violating Constitutional mandate and the law of the land (See the case of the General Secretary, The Madras Harbour Workers' Union vs The Industrial Tribunal Madras, reported in 1973 L.I.C. 186). Therefore, the issue of the demand under the reference does not come within the definition of Industrial dispute as in Section 2(j) of the Industrial Disputes Act. The tribunal cannot lay down any procedure for advertising any vacancy that is to be filled up by employment in any office of the State Bank of India when there is a statutory provision that calls upon the State Bank of India, as in Section 4(1) of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 to notify each and every vacancy subject to exception in Sec. 3 of the Act that is to be filled up by employment in any office of the State Bank of India. The State Bank of India is not required to notify any vacancy that is to be filled up by employment or appointment in any office under the State Bank otherwise than by following the procedure as laid down in Section 4(1) of the Act. If any other procedure for notifying any vacancy is laid down either by an agreement between the State Bank of India and any of the unions of workmen of the State Bank of India or by any other agreement between the State Bank of India and any other authority or by an award of a tribunal, all those, would not only violate Sec. 4(1) of the Act, but would also violate the principle of Article 16(1) of the Constitution. From this aspect also the demand raised in the issue referred to for adjudication cannot come within the definition of industrial dispute as laid down in Sec. 2(j) of the Industrial Disputes Act.

10. In the result, the dispute as referred to for adjudication being not an industrial dispute cannot be entertained and and adjudicated upon by this tribunal, and as such, is rejected.

This is my award.

Dated, April 24, 1973. S. N. BAGCHI, Presiding Officer.

[No. L. 12012/34/72/I.R.III]

New Delhi, the 10th May, 1973

**S.O. 1444.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Kustore and Alkusa South Collieries of Messrs Raneegunge Coal Association Limited, Post Office Kustore, District Dhanbad and their workmen, which was received by the Central Government on the 1st May, 1973.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

##### Present :

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 37 OF 1971

In the matter of an industrial dispute under S. 10(1)(d) of the Industrial Disputes Act, 1947.

##### Parties :

Employers in relation to the Kustore and Alkusa South collieries of Messrs Raneegunge Coal Association Limited, Post Office Kustore, District Dhanbad.

AND

Their workmen

##### Appearances :

On behalf of the employers in relation to the Kustore and Alkusa South Collieries—Shri P. K. Bose, Advocate.

On behalf of the Bharat Coking Coal Ltd.—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen.—Shri S. P. Singh, General Secretary, Khan Mazdoor Congress.

State : Bihar

Industry : Coal,

Dhanbad, 28th April, 1973

##### AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Kustore and Alkusa South collieries of Messrs Raneegunge Coal Association Limited, Post Office Kustore, District Dhanbad and their workmen, by its order No. 2/2/70-LR.II dated 26-2-1971 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

##### SCHEDULE

"Whether the action of the management of Kustore and Alkusa South collieries of Messrs Raneegunge Coal Association Limited, Post Office Kustore, District Dhanbad, in stopping Shri Md. Anis, Tyndal Mazdoor and Shri Military Prasad, Electrical Helper, from work with effect from the 7th March, 1970 was justified? If not, to what relief are these workmen entitled?"

2. Workmen as well as the employers filed their statements of demands.

3. The two collieries, Kustore and Alkusa South belonged to and managed by the employers, Messrs Raneegunge Coal Association Ltd. till 16-10-1971. Under the Jharia Coking Coal Mines (Emergency Provisions) Ordinance, 1971 and the Coking Coal Mines (Emergency Provisions) Act, 1971 the management of the two collieries was taken over by the Central Government and, on the application of the workmen, at first the custodian and the custodian general and then the Bharat Coking Coal Ltd., were impleaded a party under S. 18(3) of the Industrial Disputes Act, 1947. The case of the workmen is that both the affected workmen were working in the collieries since long and inspite of it and inspite of the Central Wage Board for the Coal Mining Industry placing a tindal mazdoor in category IV and an electrical helper in category V, the management was paying the affected workman No. 1 only Rs. 3 and the affected workman No. 2 only Rs. 5 as a total daily wage. Their applications under S. 33C(2) of the Industrial Disputes Act, 1947 also did not bring any relief to them. Because the two affected workmen were agitating for higher wages, the management stopped them from work arbitrarily. The employers have filed the written statement taking three objections, viz. (1) that no dispute was raised by the affected workmen or their union directly with the employers, (2) that the present dispute arising out of an individual dispute, is outside the scope of the Industrial Disputes Act, 1947 and (3) that neither of the two affected workmen was an employee of the employers in either of the two collieries. Bharat Coking Coal Ltd. also adopted the written statement of the employers and further pleaded that they were in no way liable or responsible for any act of the past management prior to the date of taking over of the collieries. No rejoinder is filed on behalf of the workmen. The workmen were represented by Shri S.P. Singh, General Secretary, Khan Mazdoor Congress, the employers by Shri P. K. Bose, Advocate and the Bharat Coking Coal Ltd. by Shri S. S. Mukherjee, Advocate. On admission by the employers, Exts. W. 1 to W. 4 for the workmen and on admission by the workmen, Ext. M 15 for the employers were marked. On behalf of the workmen 4 witnesses were examined and Exts. W. 5 to W. 13 were marked. On behalf of the employers a witness was examined and Exts. M 1 to

M 14 were marked. No witness was examined and no document was marked for the Bharat Coking Coal Ltd.

4. The first objection raised on behalf of the employers is that in respect of the alleged stoppage of work of the affected workmen with effect from 7-3-1970 neither the affected workmen nor any one on their behalf had raised a dispute with the employers directly and, as such the reference was incompetent. The failure report, Ext. W. 4 submitted to the Government by the Assistant Labour Commissioner (C) verification, Dhanbad shows that in respect of the stoppage of work of the two affected workmen and others, the branch secretary, Khan Mazdoor Congress, Jharia (Dhanbad) had addressed a letter to him on 10-3-1970. Through his letter, Ext. W. 3 the Assistant Labour Commissioner (C) (V) Dhanbad called upon the General Manager of the employers to submit his comments, while enclosing a copy of the letter dated 10-3-1970 from the union. The failure report, Ext. W. 4 also shows that the management submitted written statements on 6-4-1970, 16-4-1970 and 2-5-1970. The statement dated 6-4-1970 is Ext. W. 2 and the statement dated 2-5-1970 is Ext. W. 1. There is no evidence, oral or documentary to show that the affected workmen or their union had raised the dispute with the employers directly between 7-3-1970 and 10-3-1970. But a copy of the letter dated 10-3-1970 from the union raising the dispute with the Assistant Labour Commissioner (C) (V) Dhanbad was sent to the employers and the employers had submitted their comments, Exts. W. 2 and W. 1. In Managing, Contractor V Presiding Officer and others (CWJC 1513 of 1969 dated 1-9-1971) the Patna High Court has observed:

"It is no doubt that the union has not made any demand directly on the management, but the chapter of demands was in the letter (annexure I). A copy of this letter was forwarded by the Assistant Labour Commissioner (C) to the management and it was asked to show cause in the matter. It submitted its reply which is annexure 2. It is therefore clear that the demand on the management was through the Assistant Labour Commissioner (C) which is refuted in its comments to him. Thus the demand and refusal was there for the existence of an industrial dispute. It is not necessary, in my opinion that the demand should be directly made to the management".

In this view of the legal position I do not find any substance in the objection raised by the employers.

5. The second objection of the employers is that because it is not taken up by any substantial number of workmen or their union the dispute is an individual dispute and outside the scope of the Industrial Disputes Act. In this connection S. 2-A of the Industrial Disputes Act, 1947 is pertinent. This section has to be read as an explanation to S. 2(k). A long line of decisions had established that an individual dispute could not *per se* be an industrial dispute, but might become one if it was taken up by a trade union or a substantial number of workmen. This position of law created hardship for individual workmen who were discharged, dismissed, retrenched or whose services were otherwise terminated, when they could not find support by a union or an appreciable number of workmen to espouse their cause. S. 2-A does away with the requirement of espousal of an individual dispute for converting it into an industrial dispute in cases where a dispute or a difference arises out of:

- (a) Discharge,
- (b) dismissal,
- (c) retrenchment, or
- (d) otherwise termination of services of an individual workman.

Consequently, this objection of the employers also cannot sustain.

6. The third objection of the employers to the reference is that what is referred to is not an industrial dispute at all, because neither of the two affected workmen was an employee of the employers in either of the two collieries. Shri S. P. Singh, the learned representative of the workmen has relied upon the decision of the Supreme Court in Delhi Cloth and General Mills Co. Ltd. v. workmen (1967-1-L.L.J. 423) and argued that the tribunal must confine its adjudication to points of dispute referred and the matters incidental thereto and cannot go beyond the terms of reference. In the above referred to case one of the terms of reference was:—

"Whether the strike at Delhi Cloth Mills and lock out declared by the management on February, 24, 1966 are justified and legal and whether the workmen are entitled to wages for the period of lock out?"

The Supreme Court held that the workmen cannot challenge existence of strike and the management cannot deny declaration of lock out. The contention of Shri S. P. Singh is that in the present case the order of reference states:

"The Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kustore and Alkusa South collieries of Messrs Raneejung Coal Association Ltd. P. O. Kustore, District Dhanbad and their workmen in respect of the matters....."

and as such, the employers cannot be permitted to plead that there is no industrial dispute between them and their workmen in respect of the matters specified. But, "matters referred to" are quite different from "an industrial dispute". The existence of "industrial dispute" alone gives jurisdiction to the appropriate government to make a reference under S. 10(1) of the Industrial Disputes Act, 1947. In the same case, Delhi Cloth and General Mills Co. Ltd. v. workmen the Supreme Court has held:

"It was certainly open to the management to show that the dispute which had been referred was not an industrial dispute at all so as to attract jurisdiction under the Industrial Disputes Act."

Validity of a reference made by an appropriate government can be challenged on the ground, among other grounds, that what is referred is not an industrial dispute at all, even though the factual existence of the dispute may not be subject to a party's challenge. Whether the particular dispute is an "industrial dispute" or not depends upon the determination of various facts, such as whether the dispute satisfies the requirements of S. 2(k) or whether the employees concerned are workmen within the meaning of S. 2(s), or whether the establishment in question is an "industry" within the meaning of S. 2(j) etc. According to S. 2(k) "industrial dispute" means any dispute or difference between employers and employees or between employers and workmen, or between workmen and workmen. As per S. 2(s) "workman" means any person employed in any industry. The contention of the employers in the present case is that the two affected workmen were not employed in either of the two collieries and they were never their employees. If the employers succeed in substantiating their contention it will be established that what is referred for adjudication is not an industrial dispute. Thus, on the basis of the decision of the Supreme Court in Delhi Cloth and General Mills Co. Ltd. v. workmen, the employers could not be prevented from leading evidence to show that the two affected workmen were not their employees at all. The workmen also have led evidence on the point.

7. The case of the employers has always been that the two affected workmen were never their employees in either of the two collieries. From the written statement of the workmen it appears that the two affected workmen had filed claim applications, LC. 15/70 and LC. 23/70 under S. 33 C(2) before the Central Government Labour Court, Dhanbad, but it is not stated how these claim applications ended. According to the employers they were dismissed as the labour court did not find relationship of employer and employee between them and the affected workmen. It is an admitted fact that when the dispute regarding stoppage of work of the two affected workmen, among others, was raised by the branch secretary, Khan Mazdoor Congress before the Assistant Labour Commissioner (C) Dhanbad, the employers submitted their comments and participated in the proceedings. The comments submitted by the employers on 6-4-1970 and 2-5-1970 are respectively Exts. W. 2 and W. 1. In Ext. W. 2 the employers had denied that none of the persons listed in the complaint, inclusive of the two affected workmen had ever been in their employment and that the complaint was a fake one. In Ext. W. 1 the employers had stated that the medical slips and requisition slips produced by the union could not prove the fact of the workmen being employees of the employers, that it was possible that in emergency the affected workmen were engaged by the contractors, that the employers had checked their records properly and were sure that the affected workmen were not their employees, that some times outsiders living within the area of the colliery premises, such as relatives of workers,

received treatment from the colliery hospital by giving false statements to the doctors or by impersonation and the doctors could not and did not verify the fact by detaining the patient, that at the hospital medical facilities were also extended to the employees under the contractors and that the certificate produced in respect of the affected workmen, Md. Anis was not genuine and it did not bear the official number nor the signature of the chief engineer. MW. 1 has in his evidence that at the hospital at Kustore which is for the entire Kustore group, workmen of the colliery and their families, whether employees of the company or of the contractors were eligible to receive treatment. The witness further deposed that the hospital maintains a register of patients showing therein whether the workman is an employee of the contractor or of the company. The medical slips and requisition slip produced on behalf of the workmen are Exts. W. 5. to W. 7, W. 9 and W. 10. WW. 1 says that Exts. W. 5 to W. 9 were shown to the Assistant Labour Commissioner (C) Dhanbad, but these slips do not bear any seal or signature of The Assistant Labour Commissioner. In these slips there is no mention whether the affected workmen were employees of the colliery or of the contractors. On behalf of the workmen no documents were summoned from the employers or the hospital. WW. 1 says Dr. Kundu was working at the hospital, during the material period, but no attempt is made to summon Dr. Kundu or call & prove the hospital register. Ext. W. 8 dated 6-11-1968 is said to be a certificate issued by the Superintendent, Alkusa South Colliery and WW. 1 says that it is signed by Bishoni. Bishoni is not summoned. In Ext. W. 8 it is not mentioned that the affected workman, Military Prasad was an employee of the colliery. It is merely stated that he had been working in the colliery helping the electrician. The possibility that he was working as an electrical helper in the colliery as an employee of a contractor cannot be ruled out. WW. 1 admits that prior to nationalisation contractors used to work for open casts, machinery work, tindal mazdoors, general mazdoors, wagon loading etc. The affected workman, Md. Anis, WW. 3 says that he was transferred from Kustore North to Kustore South by Ext. W. 11 by D. P. Singh. D. P. Singh is not examined & it is not known how, Ext. W. 11 which relates to one Muktar also remained with the affected workman. Ext. W. 11 neither bears date nor name of the office. No appointment letter or authorisation letter is produced by either of the affected workmen. In the written statement itself the workmen had stated that, though both the affected workmen were working in the colliery since long time they were paid only Rs. 3 and Rs. 5 as a total daily wage although the wage board for the coal mining industry had placed the tyndalmazdoor in category IV and electric fitter in category V and that the employers had engaged 70 per cent of the workmen on such low emoluments. It is further stated that the employers did not maintain a muster roll for such workers. It is in the evidence of WW. 3, the affected workman Mohd. Anis that in his gang there were 12 tyndals and all of them were getting the same low wages and there were 4 more tyndals working along with them and they were paid higher wages. The witness further stated that all 12 tyndals getting lower wages were paid their wages from a window different from the window through which miners, trammers and other tyndals getting more wages were paid. On behalf of the employers, Exts. M. 1 to M. 11, attendance registers for 1969, Ext. M. 12 wage sheets for the time rated workmen, 1969 for Kustore Hazri workers and Ext. M. 14 Form B register for Alkusa South Colliery for 1970 are produced and they are proved by MW. 1. These are statutory registers and MW. 1 group personnel officer says that in none of them names of the affected workmen can be found. According to MW. 1 there was a contractor by name Baksi Singh during the material period who was supplying tyndal mazdoors to the collieries of the group. The vouchers on which the contractor was paid are Exts. M. 13. These vouchers are produced and proved with a view to support the fact that during the material period there was a contractor by name Baksi Singh who was supplying tyndals, etc. also to the group of the collieries. Ext. M. 15 is the award made in Ref. 10 of 1971. That dispute was between the same employers and workmen of Kustore Colliery regarding termination of services of 10 tyndal Mazdoors & there also the employers had denied that the tyndal mazdoors were their employees & had produced Exts. M. 7 to M. 20 in support of their case. These documents were relied upon in that case. The same documents are produced in this case. Exts. M. 7 to M. 17 are marked in this case as Exts. M. 1 to M. 11, Ext. M. 18 as Ext. M. 12 and Ext. M. 20 as Ext. M. 13. On this evidence it is

17 G of I/73—10

difficult to hold that the affected workmen were employees of the employers in either of the two collieries. Shri S. P. Singh, the learned representatives of the workmen has strenuously argued that when the employers taking advantage of serious employment problem engaged 70 per cent of workmen on low wages, without issuing appointment letters or maintaining any record, it is difficult for the workmen to prove that they were employees of the employers. I may sympathise with such workmen but I find no material to presume that the two affected workmen were really employed in either of the two collieries and were employees of the employers. When I do not find any relationship between the employers and the affected workmen of employer and employee, I cannot hold that the dispute involved is an industrial dispute within the meaning of S. 2(k) of the Industrial Disputes Act, 1947. The failure report of the Assistant Labour Commissioner is Ext. W. 4. This report merely states what the case of the union and the management was. In para 3, having stated that the management's case is contained in their written statements dated 6-4-1970, 16-4-1970 and 2-5-1970 the learned Assistant Labour Commissioner has stated that the conciliation had failed. I had already pointed out that in the written statements dated 6-4-1970, Ext. W. 2 and dated 2-5-1970, Ext. W. 1 the employers had emphatically denied and challenged that the affected workmen were their employees. There is no finding or even opinion of the Assistant Labour Commissioner that he was satisfied that there was relationship of employer and employee between the employers and the affected workmen. It is not known on what material the Central Government had formed the opinion that an industrial dispute exists between the employers and the affected workmen. This objection of the employers sustains. Consequently, I held that, there having been no industrial dispute between the parties, the Central Government was not competent to make the reference. The award is made accordingly and submitted under S. 15 of the Industrial Disputes Act, 1947.

[No. 2/90/70-LRII]

N. VENKATA RAO, Presiding Officer

New Delhi, the 10th May, 1973

**S.O. 1445.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 7th May, 1973.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

##### Present :

Shri R. K. Baweja, Presiding Officer.

##### CG. I. D. No. 5 of 1971

##### BETWEEN

The employers in relation to the State Bank of India,

##### AND

Their Workmen.

Shri A. R. Lal—for the Bank.

Shri N. C. Sikri—for the workman/Association.

##### AWARD

By Order No. L. 12012/52/71/LRIII, dated 23rd September 1971, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment referred to this Tribunal for adjudication an industrial dispute existing between the aforesaid parties in respect of the matters specified in the schedule below :—

“Whether the action of the management of State Bank of India in transferring Shri Hari Mohan Sharma, Clerk from Agra Branch of the Bank to Hapur is justified? If not, to what relief is he entitled?”



2. Shri K. N. Malhotra, General Secretary of the State Bank of India Employees Association (Delhi Circle), (hereinafter to be called the Association) filed a statement of claim and alleged that the facts and circumstances leading to this case were as follows :—

Another Union under the name of State Bank of India, Staff Association (hereinafter to be referred as the Union) was already operating in this Bank when the Association was formed in 1959. The establishment of the Association, it was asserted, gave a rude shock to the union inasmuch as it finished its monopoly and the office bearers of the union felt very sore. The management of the Bank and the Union did not take kindly to the progressive out-look of the Association and the Union used the Bank management as an instrument for crushing the Association by harassing, intimidating and victimising its members. In pursuance of that conspiracy between the union and the management and the management's policy of victimisation of the office bearers and members of the Association, the concerned workman Shri Hari Mohan Sharma who was the organising secretary of the Association at Agra was ordered to be transferred from Agra to Hapur in May, 1971. In doing so, the Association alleged, the procedure given in paras 535 & 536 of the Sastry Award was not followed. This was a deliberate violation by the management of the provisions of that award and in spite of the various protests of the concerned workman and the Association, the orders of transfer of Shri Sharma were not revoked. In the statement of claim certain instances of other members of the Association, having been harassed and victimised by their frequent transfers to various stations, were also brought out. It was, therefore, prayed that it be declared that the action of the management in transferring Shri Sharma from Agra to Hapur branch was unjustified, illegal, malafide and an act of anti-trade union activities, that the management be directed to transfer him back to Agra and that costs of the proceedings be awarded.

3. In the written statement filed by the management it was pleaded that the transfer of the workman did not affect his conditions of service adversely and that it was purely a management's function unless it was proved that it was malafide. According to the management, the transfer was in the interest of work and was passed from the administrative angle and the allegation that the Bank in collusion with the Union and in furtherance of its intention to harm the interest of the members of the Association transferred the workman, was denied. The other instances of employees who were members of the Association and it was stated that they were harassed and victimised were also controverted. All these transfers, it was stated, were purely on administrative grounds. A rejoinder was also filed by the Association in reply thereto. Certain preliminary objections that the dispute was not an industrial dispute and that the union was a necessary party were raised and they were disposed of by my order dated the 14th of July, 1972. It was held that the dispute was an industrial dispute and that the union was not a necessary party. After the decision of those preliminary issues, the only dispute which now remains for decision is the one covered by the term of reference.

#### Term of Reference :

4. The concerned workman Shri Sharma was employed as a clerk in the branch of the Bank at Marina in Bombay Circle. At his request and his own expense he was transferred to Agra in April, 1967. He states that he was the local secretary of the Association at that time and on the 17th of May, 1971 he became the organising secretary of the Association at Agra. In May, 1971 he was ordered to be transferred to Hapur branch of the bank and on the day following his joining at Hapur, he was promoted as a head clerk with an increase of Rs 100 in his emoluments. On the 16th of December, 1971 he was promoted as an officer grade II and he is still at Hapur. These facts are not disputed. Transfer of an employee in accordance with the terms and conditions of his service is an administrative act of an employer and normally the Courts or Tribunals do not interfere in that discretion unless it is proved that the transfer is malafide or is made for some other collateral purpose. The case of the Association is that it is a minority Association whereas the Union is a majority union and the Bank with a view to please it, harasses and orders frequent transfers of its members, particularly the office bearers. It was submitted that actuated by that evil intention the transfer of Shri Sharma was ordered in May, 1971 in violation of the provisions of the Sastry Award and to the detriment of the

interest of the workman. In other words, it was asserted, the transfer was a malafide one and was affected by the Bank to please the majority union. It is, therefore, to be seen as to how far the Association has succeeded in establishing these allegations.

5. At the relevant time Shri B. P. Sharma MW 2 was the agent of the branch of the Bank at Agra where the concerned workman was employed. He wrote a letter dated 15th April, 1971 Ext. M/3 to the head office about the incidents of misbehaviour amongst the staff posted there. He mentioned therein that the work and conduct of Shri H. M. Sharma, clerk was satisfactory since the submission of his last report. The agent further added that he had been in the branch for about nine months and had been watching the activities and attitude of various employees, and that though nothing particular had been noticed by him against the employee, yet he had a feeling that his transfer from the branch to another branch was desirable. Several incidents of misbehaviour had occurred in the branch and report was called for by the head office from the local agent as to the transfer of the employees and the agent recommended the transfer of the workman. In reply to a question put to him in cross-examination, the witness admitted that on account of the inter-union rivalries, he considered it desirable to recommend the transfer of the workman though his work was satisfactory. According to the Bank, this was done in the interest of the administration and work and not by any pressure alleged to have been exerted on it by the majority union. The witness further added that he never made recommendations for transfer on the ground that the transferee belonged to a particular Association and that the recommendation was never made to appease the members of the union. It seems that after this recommendation of the local agent had been made, one Shri M. B. Dutta, a senior officer of the Bank was ordered to conduct an enquiry into the affairs of the staff relations at Agra branch. He submitted his report dated the 14th of May, 1970 Ext. M/1. In this report Shri Dutta made an investigation into the alleged incidents of indiscipline against the staff posted there including the allegations made by one Shri Jhingran, an employee of the Bank against Shri Sharma. There were allegations and counter-allegations between the two and Shri Dutta held that there were some incidents as a result of the passion between Shri Jhingran and Shri Sharma, who were stalwarts of the rival camps. He concluded that the exact words which passed between Shri Sharma and Shri Jhingran were, in his view, not very material but they were only symptomatic of a deeper malaise which had affected the branch. Lack of leadership and planning, poor supervision and factional fights had combined to erode discipline, sap staff morale and had bred conditions in which no healthy growth could be expected. He also mentioned about the other incidents pertaining to the other members of staff. Nothing was brought out against Shri Dutta that he was partisan to the majority union or the minority Association. Shri Dutta was a senior officer of the Bank and on account of the incidents of indiscipline was deputed by the head office to make a local investigation and he did it and submitted his report which clearly shows that he tried to go deep into the matter and made suggestions. When this report reached the head office, Shri A. C. Jain MW 1 who was the first assistant to the staff superintendent made notes in the margin and against the portion which pertained to the workman he noted that he proposed to transfer Shri Sharma. Those notes were submitted to the higher authorities including the staff officer as a result of which the workman was transferred. So, it cannot be said by any stretch of imagination that there were no reasons for the transfer of Shri Sharma. On account of indiscipline in the branch some investigation had to be made and this work was entrusted to a senior officer, who submitted a well-reasoned report on the basis of which action was taken. Shri Sikri on behalf of the workman made certain submissions in order to prove that this transfer was malafide and now I shall consider them.

6. It was submitted that the report which Shri Dutta made contravened the rules of natural justice inasmuch as no opportunity was afforded to the workman to explain the circumstances which were held to have existed against him. It was not an enquiry which is ordered to be conducted after an employee has been charge-sheeted. It was an investigation into certain incidents of indiscipline in the branch and it can also be described as a preliminary fact finding enquiry. It was, therefore, in my view not necessary to formally bring it to the notice of the workman and to get his explanation and then to give him an opportunity to defend himself. Shri Sharma was asked in cross-examination, whether he tried to find out the purpose

of Shri Dutta coming to Agra branch and making enquiries and he replied in the negative. He was further asked if he remembered the questions which that officer put to him and he replied that he asked him about the attendance register, overtime register and about some record. On the other hand the report reveals that Shri Dutta made enquiries from the various members of the staff including Shri Sharma in order to submit his report to the head office as to the affairs of the Agra branch of the Bank regarding discipline, factional fights etc. Which had resulted in acts of indiscipline. I, therefore, do not think that there was any force in the submission of Shri Sikri that the report was vitiated on account of this alleged infirmity.

7. The other contention raised by Shri Sikri was that the provisions of the Sastry Award were violated while ordering the transfer of this workman. In this connection, my attention was drawn to paras 535 and 536 of that award. It was provided in these two paras that in general the policy should be to limit the transfers to the minimum consistent with banking needs and efficiency. It was further provided that so far as the members of the subordinate establishment were concerned there should be no transfers ordinarily and if there were any transfers at all they should not be beyond the language area of the person so transferred. In the present case it was not disputed that the transfer from Agra to Hapur was in the same language area and the workman had already stayed at Agra for about four years on his transfer from Bombay in 1967. So there was nothing unusual in his transfer unless malafides are established. However, my attention was drawn to para. 535 which provides that except in very special cases, whenever the transfer of any of the office bearers of a union is contemplated, at least five clear working days notice should be put up on the notice boards of the Bank of such contemplated action. Any representations, written or oral, made by the union have to be considered by the Bank and if the order of transfer is ultimately made, a record has to be kept by the bank of such representations and the Bank's reasons for regarding them as inadequate. The decision is then to be communicated to the union as well as to the employee concerned. Shri Sikri vehemently contended that these provisions which were mandatory and were binding on the management were violated more in their breach than in their observance by the Bank thus proving that the intention of the Bank was bad and they wanted to transfer the workman not that it was administratively required to be so but to appease the majority union. This submission is to be examined in the light of the facts placed before me. By an order dated the 5th May 1971 Ext. M/4 the agent of the Agra branch informed the workman that it had been decided to transfer him permanently to Hapur branch and that he would be relieved of his duties at the close of the day. He was directed to report for duty at the Hapur branch after availing the usual joining time. On the 6th of May 1971 Shri Sharma by a letter Ext. M/5 informed the Bank that he held the office of an organising secretary of the Agra zone of the Association, that his transfer would cause great damage to the Association for which he had been working hard and that further in terms of the mandatory provisions of the Sastry Award the Bank was bound to put up a notice on the notice board pertaining to his transfer so that the members of the Association might raise objections, if any, against his unlawful and malafide transfer. The agent of the Bank on the same day by a letter Ext. M/6 informed Shri Sharma that his record did show that he was holding an organisational position and so, it was not obligatory to put up a notice on the notice board relating to his transfer under the provisions of the Sastry Award. This observation of the agent that Shri Sharma was not an office bearer of the Association was on the face of it incorrect and in fact, he was an office bearer of the Association and the provisions of para 535 of the Sastry Award did apply in case of his transfer. It seems that the Agent had no record in his office in which it might have been shown that Shri Sharma had become an organising secretary of the Association in January 1971. Shri Sharma, probably, knew it and by another letter dated the 7th of May 1971 Ext. M/7 he informed the Agent at Agra that the fact of his being an organising secretary for Agra Zone was on the head office record and so, he requested the Agent to follow the provisions of the Award. The agent as MW 2 admitted that on receipt of this letter, he made enquiries from the head office in order to find out if Shri Sharma was an office bearer of the Association and on receiving instructions in the affirmative he put up a notice

Ext. M/8 on the notice board indicating that Shri Sharma was transferred to Hapur and that he would relinquish his duty on the 10th of May 1971. Shri Sharma then again sent another communication dated the 10th of May 1971 Ext. M/9 in which he made an allegation against the Bank that though the notice Ext. M/8 was of 7th May 1971 but in fact it was put up on the notice board on the 10th of May 1971 and thus clear five days notice as contemplated under para. 535 of the Sastry Award had not been given. The Agent then by another notice Ext. M/10 dated the 11th of May, 1971 informed him that he would be relieved on the 18th of May 1971 instead of 12th of May 1971 and that he should report to Hapur agent after availing the joining time. It is, therefore, obvious that the provisions of the Sastry Award which required the Bank to give five days clear notice in case of transfer of an office bearer of a union were followed. It is true that to start with, no such notice was given but when Shri Sharma informed the agent that the record of his being an office bearer was in the head office, the agent gave the necessary notice and when it was objected that the first notice was not for five clear days, another notice was put up giving him five clear working days as required under the Award. No malafides can be inferred from this conduct of the agent because there was nothing in his record of the Agra branch to show that Shri Sharma was an organising secretary and this had to be ascertained from the head office. One thing to be noted is that till the 10th of May, 1971 the only objection to the transfer taken by Shri Sharma was that his transfer was malafide and that it was not legal because the relevant provisions of the Sastry Award were not followed. When the agent informed him by his letter dated 11th May, 1971 Ext. M/11 that five clear working days had been given as required under the Award and a fresh notice had been issued, then for the first time in his letter dated the 12th of May, 1971 Ext. M/12 Shri Sharma advanced other reasons for getting his transfer order cancelled. The first was that his sister was laid down with pleurisy for the last one and a half year and she needed his presence. The second was that he had been transferred from Bombay on his own request so that he may live with his parents who were old and remained ill. The third was that he was constructing a house under the Bank's Church Road Scheme and his sudden departure from this place would put his in great hardship. The Bank by its letter dated the 18th of May, 1971 observed that the mere fact that he was an organising secretary of the Association was not a sufficient ground to warrant the cancellation of the order of transfer. About the other circumstances, he was informed that due to administrative reasons, it was regretted that they could not be accepted. A similar representation was also addressed by Shri Sharma on the 12th of May 1971 to the secretary and treasurer of the Bank in the head office at Delhi. Now the other grounds which were mentioned by Shri Sharma in his representation for the cancellation of his transfer such as sickness of his sister, his presence there and his living with his old and sick parents besides the construction of a house were not accepted by the management. I have already pointed out above that upto the date of compliance with the provisions of the Sastry Award regarding the giving of five days clear notice, the above three grounds were not taken up in the representations by Shri Sharma. On behalf of the management it was submitted that they were after-thought and even if they were genuine the Bank could transfer him for administrative reasons, particularly in view of the report of Shri Dutta. In his cross-examination Shri Sharma admitted that his sister's husband was in District Thansi where he was employed as Stenographer in the Sales-tax office. His sister had come to Agra for medical treatment. He also admitted that his younger brother was also at Agra in the Industrial Estate, Numbia which is about 15 kilometers from Agra and is probably within the municipal limits. So, if his parents and brother were there, it is not understandable as to how his sister felt lonely and could not be looked after by them. As to the construction of the house the Bank could reject the request and could direct that he should be transferred even if the construction of the house was not completed and if it was in the interest of the institution and in the absence of malafides. This being so, the non-acceptance of the request of Shri Sharma by the Bank cannot be said to be arbitrary or unfair.

8. I have already held above that five days clear notice was given to Shri Sharma as required under the Sastry Award. On behalf of the workman it was submitted that after the Association had made representations as required under the said para of the Award, it should have been informed that

the representations had been rejected and the reasons should also have been communicated to him. As it was not done, it was argued that the provisions of the Award were violated. In this connection, my attention was drawn to a representation dated the 17th of May, 1971 Ext. W/2 which was addressed to the secretary and treasurer of the Bank by Shri K. N. Malhotra, general secretary of the Association who appeared before me as WW 6. He deposed that he raised objections in this representation to the secretary of the bank regarding the victimisation of the office bearers of the Association but he did not receive any reply from the Bank. Shri Lal learned counsel for the management on the other hand drew my attention to a letter dated the 18th of May, 1971 Ext. W/40 which was addressed by the Agent of the Agra Branch to the secretary of the Association at Agra (Delhi Circle). From its perusal it is obvious that the secretary of the Agra unit of the Association had addressed a communication to the Bank in which objection had been taken to the transfer of Shri Sharma. The Agent informed the Secretary by this letter that the head office had directed him to inform him that the transfer of Shri Sharma had been effected due to administrative reasons and the fact that Shri Sharma was the organising secretary of the Association was not a sufficient ground to warrant the cancellation of the order of transfer which had been made after due consideration. The secretary of Agra Unit of the Association had also enclosed alongwith the letter dated 12th May, 1971 a resolution passed by the Association in which the withdrawal of the transfer order was requested. So, there was sufficient compliance with the provisions of the Sastry Award. When the objections were raised to the transfer of the workman by the secretary of the Agra Unit of the Association, they were considered by the Bank and suitably replied. It was not necessary for the Bank to reply to the general secretary when he also addressed a communication to the head office at Delhi on the 17th of May, 1971. In my view, there was a substantial compliance with the relevant provisions of the Sastry Award and his transfer cannot be said to be bad in law on account of their alleged non-observance.

9. To prove malafides on the part of the management with regard to the transfer in question, reliance was placed on certain documents and the depositions made by Sarvashri K. N. Malhotra WW 6, Shri K. L. Sehgal WW 4 and Bhupendra Kumar Sharma WW 5. I shall take into consideration the statement of Shri Malhotra first. He deposed that he and others formed a separate Association in 1959. The Bank did not like it nor did the majority union and circulars Exts. W/20 and W/21 were issued by the majority union. He continued that the management started harassing the members of the Association and Shri S. C. Chawla, general secretary of Thanesar branch was transferred. His case was taken up before the conciliation officers who in his report Ext. W/22 as to the transfer of Shri Chawla observed that he and one Shri L. S. Sharma an employee of the Bank quarreled with each other simply because they belonged to different unions. The conciliation officer continued that as a result of the spot enquiry, he came to the conclusion that Shri Chawla had been victimised by the agent for his trade union activities by reverting him to the post of money tester and by transferring him to another station. Shri Malhotra then cited another example of Shri Surendra Singh who was elected as the Chairman of the Chandigarh Union of the Association and of Shri J. S. Nanda who was the joint secretary of that Unit. They, Shri Malhotra added, were charge-sheeted but in the enquiry they were exonerated and Shri Nanda was still transferred as he was an office bearer of the minority Association and the complainant who was a member of the majority union was not put to any task. Then the case of one Sachdeva was cited against whom the allegation of the Bank was that he had instigated some-one to murder another person. That case went to the Court where he was acquitted. The order of suspension was revoked and he was taken on duty but was transferred to Ferozpur during the period of suspension. The order of his suspension Ext. W/23 and the order of transfer Ext. W/24 were placed on the record. The matter went to the conciliation officer who directed that during the period of suspension Shri Sachdeva should once in three months go to Ferozpur to mark his attendance. A copy of the judgment of the Court acquitting him was also placed on the record and it was admitted by the Bank in its letter Ext. M/26 that Shri Sachdeva had been acquitted. In fact, Shri Sachdeva was tried not for the offence of murder but under section 304/114 IPC and was acquitted by the Judicial Magistrate. Shri Sachdeva after resuming his duty resigned

from the Bank. My attention was also drawn to a circular dated the 8th of August 1967 Ext. W/27 alongwith a notice Ext. W/28 which was issued by the Bank. In these the Bank directed its officers that they should not have any discussion with the office bearers of the non-recognised Association. I may add here that the Association is a non-recognised union. A protest letter to this circular, which was sent by the Association is Ext. W/25 and Ext. W/30 is the A.D. receipt showing that it was received by the Bank. In 1969 the Association held a conference of the general body in Agra and passed a resolution that the code of discipline was being contravened by the majority union vide Ext. W/31. The other examples of discrimination against the members of his Association were also cited by Shri Malhotra. He informed this Tribunal that one Shri S. K. Saxena who was in Aligarh branch and was a member of the Association made a request for his transfer from that place to Agra but subsequently by a letter dated the 8th of July, 1970 he requested the Bank not to effect his transfer to Agra and still he was transferred on the ground that he was surplus and from Agra one Suresh Chandra Srivastava who was the chairman of the Association was sent to Aligarh. A letter of protest was sent to the management by the Association vide Ext. W/33. The reply of the management was (Ext. W/35 viz.) that the transfer of Shri Suresh Chandra Srivastava was due to administrative reasons and the fact that he was the chairman was not a sufficient ground to warrant the cancellation of his transfer order. Then another instance is that of Shri R. S. Madan who was a member of the Association. It was alleged that he was not promoted as head-clerk but in his place a junior man Shri Dhir, who was a member of the majority union was promoted vide Ext. W/36. The case was taken up before the conciliation officer and a copy of the discussion before him is Ext. W/37. Shri Malhotra admitted that the failure report was sent to the Government but no reference was made. He also referred to the case of one Harjit Singh Ahluwalia who was a member of the Association and was transferred to Ludhiana. He added that the rival union came to know about it and at its instance the Bank cancelled that transfer order and he was sent back to Rohtak. Shri K. L. Sehgal who has appeared before me was a cashier in the branch in New Delhi. In 1960 he was transferred to Bilaspur and then to Nilokheri. After citing these examples he was asked in cross-examination if he knew how many members of the majority union were transferred during the last three years and he replied that he did not know. In reply to a question by this Tribunal, Shri Malhotra admitted that his Association did not move the labour authorities against the transfers of the above members of the Association. He gave a strange reason that as the Finance Ministry controlled the State Bank of India, the Labour Ministry might not have made references. This reason which he advanced for not moving the appropriate machinery for the cancellation, of transfer orders of these employees is hardly convincing. Similarly, the statement of Shri K. L. Sehgal who is a cashier in the Bank does not in my view tend to establish that the Bank transferred him on the ground that he was a member of the minority Association. He joined the Bank at Lyalpur in 1944 and was transferred to Delhi from Simla in 1952 on medical grounds and on his own request he remained in Delhi upto 1963 and was then transferred to Bilaspur. He made representations against the transfer and he received the reply Ext. W/9, that his appointment as cashier-in-chief at Bilaspur had been cancelled in view of his refusal. Thereafter, he was transferred to Chandigarh in 1970 and then to Nilokheri in 1971. He made a request that he should be transferred to Delhi as his family members were there. I may point out here that he had already been in Delhi from 1952 to 1963 and if the Bank did not accede to his request, there was nothing unusual in it. His request to cancel his transfer from Chandigarh to Sirsa was conceded and he was posted at Nilokheri on the main line. Similarly, Shri Bhupendra Kumar joined the bank in 1956 at Rohtak. In 1963 he was transferred to Ballabgarh. He stated that he was a member of the majority union and was assistant secretary. He then left the Union and became a member of the Association which he states annoyed the management and the majority union. A complaint was made against him that he was not working properly and thereafter he was transferred to Ferozpur Jhirka on the 23rd of August, 1966. He continued that when he protested against the transfer, he was told that the majority union wanted his transfer.

10. Shri Lal objected to the above evidence being considered on the ground that the short question which was referred for adjudication was if the transfer of Shri Sharma



from Agra branch to Hapur branch was justified and that this Tribunal was not asked by the Government of adjudicate if the transfers of the other employees of the Bank made earlier were malafide or bonafide. Shri Sikri learned counsel for the Association on the other hand submitted that malafides could only be proved by circumstantial evidence and instances that the members of the minority Association had been harassed, victimised and transferred at the behest of the majority union and so, the evidence on these points was relevant. It was conceded that the transfers mentioned in the statements of these witnesses were not challenged in any industrial adjudication. So, when the full facts are not before this Tribunal and they are not covered by the reference it is very difficult to hold that those transfers were effected by the management with a view to victimise the transferees and that the transfer of Shri Sharma was also inter-linked in the chain of such transfers. In my view to this extent they are relevant if they can categorically establish that the management had been victimising the members of the minority Association and that actually the transfers were not justified. But as held above, there is nothing convincing that these transfers were made to victimise the members of the minority Association at the behest of the majority union. Shri Malhotra was not in a position to indicate as to how many transfers of the members of the majority union who were in the employment of the Bank took place during the relevant period and unless it is there it is very difficult to hold that the transfer of the workman concerned was affected under the alleged policy of victimisation by the management of the members of the minority Association. However, from this evidence, a feeling can be conveniently gathered that the office bearers of the minority Association and its members do feel that some favouritism being shown to the employees who are members of the majority union and for that reason the Bank discouraged its employees to become members of the minority Association by issuing a circular and the notices referred to above. It is in the interest of the institution itself if the management takes some steps to remove that feeling and to ensure that the scales of justice between the two unions are kept even. It is not disputed that there are inter-union rivalries which lead to indiscipline and impede the smooth running of the business, which is not conducive to the running of the banking industry. So, while holding that in the instant case the Association has not succeeded in establishing its allegations of victimisation, I am of the view that it strongly feel that it is being discriminated by the Bank vis-a-vis the majority union. It is for the bank to consider as to what steps may be taken to obliterate that idea from the mind of the Association, whether cherished genuinely or otherwise.

11. Otherwise also the workman is not entitled to any relief in these proceedings. On the day on which he joined the Hapur branch of the Bank he was promoted as head-clerk and in December 1971 he was again promoted as officer grade-II of the Bank. If the management wanted to victimise him it should not have given him promotion soon after he joined the Bank at Hapur branch and then promoting him as an officer about six months thereafter. It is not in his interest to go back to Agra as a clerk when he has been working as an officer since 16th December, 1971.

12. For the aforesaid reasons, I answer this reference in favour of the Bank. The workman is not entitled to any relief in these proceedings and the award is made accordingly.

20th April, 1973.

[No. L 12012/52/71/LR III]

R. K. BAWEJA, Presiding Officer

New Delhi, the 11th May, 1973

**S.O. 1446.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Balihari Colliery of Messrs. Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 4th May, 1973.

**CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT  
NO. 3, DHANBAD**

**Reference No. 24 of 1969**

**Parties :**

Shri B. S. Tripathi.

**Parties :**

Employers in relation to the management of Balihari Colliery of M/s. Balihari Colliery Co. (P) Limited, P.O. Kusunda, Distt. Dhanbad.

**AND**

Their workmen represented by Hindustan Khan Mazdoor Sangh, Hirapur, P.O. Dhanbad, Dist. Dhanbad.

**Appearances :**

For out going Employers  
namely Messrs Balihari  
Colliery Co. (P) Ltd.

—Shri B. Joshi,  
Advocate,

For Bharat Coking Coal  
Limited

—Shri J.N.P. Sahi  
and Shri R.V.K.  
Rao (Impleaded as  
a party to the pre-  
sent proceeding  
vide Order No. 21  
dated 23-3-72).

For Workmen

—Shri S.V. Achariar  
General Secretary,  
Hindustan Khan  
Mazdoor Sangh.

**Industry : Coal**

**State : Bihar**

Dated, Dhanbad, the 30th April, 1973.

**AWARD**

The Central Government in the Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) being of the opinion that an industrial dispute exists between the employers in relation to the management of Balihari Colliery of Messrs Balihari Colliery Co. (P) Limited and their workmen, by their Order No. 2/206/68-LRII dated the 15th April, 1969 referred the said dispute under section 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal for adjudication. The industrial dispute in question is mentioned in the schedule of reference which is extracted below :

**SCHEDULE**

“Whether the action of the management of Balihari Colliery of Messrs Balihari Colliery Co. (p) Limited, P.O. Kusunda, Dist. Dhanbad, in keeping the following workmen under suspension for more than 10 days without wages from the date of issue of the charge sheets pending enquiries, and dismissing them ultimately, from the dates noted against each was justified ? If not, to what relief are the workmen entitled ?

Sl. No.	Name	Designation	Date of Dismissal
1	2	3	4
1.	Sri Baleswar Dusadh	Trammer	3-6-1969
2.	Sri Rohan Mahato	-do-	-do-
3.	Sri Sriram Singh	-do-	-do-
4.	Sri Jagdish Dusadh	-do-	-do-
5.	Sri Jibnarayan Dusadh	-do-	-do-
6.	Sri Saudagar Dusadh	-do-	-do-
7.	Sri Sitaram Gope	-do-	-do-
8.	Sri Rameswar Singh	-do-	-do-
9.	Sri Ritu Mahato	-do-	-do-
10.	Sri Gangoo Orang	-do-	-do-
11.	Sri Rasul Miah	-do-	-do-
12.	Sri Bideshi Dusadh	Miner	-do-
13.	Sri Baleswar Dusadh	Pump Khalasi	-do-
14.	Sri Moti Modak	-do-	-do-
15.	Sri Ibrahim Miah	Onsetter	-do-
16.	Sri Sreedhar Sarkar	Haulage Khalasi	-do-
17.	Sri Khatir Mahato	Haulage Khalasi	-do-

1	2	3	4
18. Sri Dukhu Mahato	W.L. Khalasi	3-6-1969	
19. Sri Rameswar Lohar	Blacksmith	-do-	
20. Sri Chakauri Dusadh	Miner	-do-	
21. Sri Ramoo Orang	-do-	-do-	
22. Sri Ratan Orang	-do-	-do-	
23. Sri Bhaduri Orang	-do-	-do-	
24. Sri Bhaktoo Orang	-do-	-do-	
25. S.A. Bhatt	Overman	12-6-1968	
26. Sri Babulal Dusadh	Fireman	3-6-1968	
27. Sri Jamuna Dusadh	-do-	-do-	
28. Sri Hiralal Orang	Pump Khalasi	-do-	
29. Sri Kailu Gope	Line Mistry	-do-	
30. Sri Mohan Singh	Line Mistry	-do-	
31. Sri Chunilal Paul	Latheman	-do-	
32. Sri Ajit Kumar Banerjee	Mining Sirdar	-do-	
33. Sri Ramsundar Gope	Fan Helper	-do-	
34. Sri Gayadin Pashi	Banksman	-do-	

2. The reference was received in this Tribunal on 3-5-69 and was registered as reference No. 24 of 1969. The written statement of Messrs Balihari Colliery Co. (P) Limited was received on 19-8-69 and that of the workmen was received in the Tribunal on 29-9-69. On behalf of the workmen a rejoinder to the written statement of the employers was filed on 18-11-69. The industrial dispute in question was sponsored by Hindustan Khan Mazdoor Sangh and this union represented the workmen in the present proceeding. During the pendency of the present proceeding the colliery in question vested in Bharat Coking Coal Limited. Accordingly on the petition of the workmen and after hearing the parties including the Bharat Coking Coal Limited was impleaded as a party in the present proceeding as per Order No. 21 dated 23-3-1972. The Bharat Coking Coal Limited filed their written statement on 29-4-72. I do not consider it necessary to describe the cases of the parties in as much as the parties amicably settled the dispute in question out of Court and filed the compromise petition with terms of settlement embodied in it.

3. The representatives of all the parties verified the terms of settlement contained in the compromise petition and pray for making an award in terms thereof. I have carefully gone through the compromise petition and considered the terms of settlement mentioned therein in the light of the schedule of reference and the cases of the parties as contained in their written statement and I find that the terms in the compromise petition are quite fair, reasonable and equitable so far as all the parties are concerned. I see no reason as to why the compromise petition shall not be accepted and the award be made accordingly. I accept the compromise and make an award in terms thereof. The compromise petition will form part of the award as Annexure 'A'.

4. This is my award. Let the award be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

Sd/-

(B.S. TRIPATHI)

Presiding Officer

ANNEXURE 'A'

In the matter

Reference No. 24 of 1969.

Parties :

Employers in relation to Balihari Colliery

AND

Their Workmen

MEMORANDUM OF SETTLEMENT

All the parties to the present proceedings have amicably settled the dispute involved in the present Reference on the terms hereinafter stated :

(1) That Sarvashri Rohan Mahto and sixteen other workmen concerned in the present Reference, whose names are noted hereinbelow, shall be reinstated on and from 30th April, 1973 without any back wages and they shall be posted at the collieries and in capacities as noted against their names hereinbelow :

Sl. No.	Sl. No. of Schedule	Names of workmen	Details of position Occupation	Colliery
1.	2	Rohan Mahto	Tramner	Bhagaband
2.	5	Jibnarayan Dusadh	-do-	-do-
3.	6	Saudagar Dusadh	-do-	-do-
4.	7	Sitaram Gope	-do-	-do-
5.	8	Rameswar Singh	-do-	-do-
6.	9	Ritu Mahto	-do-	-do-
7.	11	Rasul Mia	-do-	-do-
8.	12	Bideshi Dusadh	Miner	Balihari
9.	14	Moti Modak	Pump Khalasi	S.B. SEC. Balihari
10.	15	Ibrahim Mia	On-setter	Bhagaband
11.	17	Khatir Mia	Haulage-Khalasi	Kendwadih
12.	19	Rameswar Lohar	Blacksmith	Bhagaband
13.	20	Chakauri Dusadh	Miner	Balihari
14.	21	Ramoo Orang	-do-	-do-
15.	28	Hiralal Orang	Pump Khalasi	S.B. SEC. Balihari
16.	30	Mohan Singh	Line Mistry	Bhagaband
17.	33	Ramsunder Gope	Dusting Mazdoor	Kendwadih

(2) That the period intervening from the date of dismissal (which gave rise to the present Reference) till the date of resumption of duty in respect of the seventeen workmen mentioned in para-1, above shall, for the purposes of continuity of service be treated as leave without pay, but the workmen concerned will be eligible to proportionate leave provided they put in proportionate qualifying attendances during the remaining period of current year.

(3) That three workmen concerned in this Reference, namely Sarvashri S. A. Bhatt (S/Sr. No. 25), Chunilal (S/Sr. No. 31) and Ajit Kumar Banerjee (S/Sr. No. 32) are already employed as Overman (at E. B. Kendwadih Colliery), as Latheman (at Pure Kustore Colliery) and as Mining Sirdar (at Burragarh Colliery) respectively since sometime in 1968/1969. There will be no question of their reinstatement or any relief or back wages. However, the period intervening from the date of dismissal (which gave rise to the present Reference) till the date of resumption of duty in respect of the aforesaid three workmen at the collieries mentioned above shall, for the purposes of continuity of services, be treated as leave without pay. Thus the dispute in their respect does not subsist.

(4) That seven workmen concerned in this Reference, namely, S/Shri Baleshwar Dusadh, Sriram Singh, Jagdish Dusadh, Babulal Dusadh, Kailu Gope, Baleswar Dusadh and Jamuna Dusadh (Sr. No. 1, 3, 4, 26, 29, 13 and 27 respectively in Schedule to Order of reference) have already rehabilitated themselves and are not interested in re-instatement or any relief. The dispute in their respect also does not subsist.

(5) That two workmen concerned in this Reference, namely S/Shri Sreedhar Sarkar and Dukhan Mahato (Sr. No. 16 and 18 respectively in the Schedule to Order of Reference) are dead and as such the dispute in their respect does not survive.

(6) That the remaining five workmen concerned in the present Reference, namely S/Shri Bhaduri Orang, Gangoo Orang, Ratan Orang, Bhaktoo Orang and Gayadin Pashi (Sr. No. 23, 10, 22, 24, 34 respectively of the Schedule to the Order of Reference) will be paid lump sums of Rs. 1,500/- (Rupees One thousand five hundred only) each on proper identification as ex-gratia amounts in full and final settlement and they will have no further claim for reinstatement and/or back wages etc.

(7) That in the event of the failure of the seventeen workmen or any of them (whose names etc., are noted in para-1 above) to report for work within a fortnight from the 30th April, 1973, the workmen concerned shall have no right for re-employment etc., under this agreement.

(8) That Shri S. V. Acharior, General Secretary, Hindustan Khan Mazdoor Sangh will be paid a sum of Rs. 300 (Rupees three hundred) only as cost of the proceedings.

(9) The above terms finally resolve the dispute between the parties and, therefore, there is no subsisting dispute for adjudication in the present Reference.

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to accept this Settlement and to give its Award in terms thereof.

For the Workmen

Balihari Colliery

S. V. ACHARIOR, General Secy.

For the Employers

Sd/- (Illegible)

Manager

For Bharat Coking Coal Ltd.

J. N. P. SAHI, Labour & Law Adviser.

Dated 21-4-1973

New Delhi, the 11th May, 1973

**S.O. 1447.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Goenka Kajora A and B Pits Colliery (Goenka Coal Company), Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 5th May, 1973.

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA

Reference No. 69 of 1972

Parties :

Employers in relation to the management of Goenka Kajora A & B pits colliery, Goenka Coal Company).

AND

Their Workmen.

Present :

Sri S. N. Bagchi—Presiding Officer.

Appearances :

On behalf of Management—Sri S. N. Mishra, Agent.

On behalf of Workmen—Sri B. Singh Azad, Secretary, Khan Shramik Congress.

State : West Bengal

Industry : Coal Mine

AWARD

By Order No. L/19012/80/72-LR II, dated 30th November, 1972, the Government of India, in the Ministry of Labour and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute existing between the management of Goenka Kajora A and B Pits Colliery (Goenka Coal Company) and their workmen, to this tribunal, for adjudication, namely :

"Whether the management of Goenka Kajora A and B Pits Colliery (Goenka Coal Company) Post Office Ukhra, District Burdwan, are justified in stopping the work of Sarvashri Jamuna Yadav, Jogeshwar Singh, Kapildeo Singh, Loaders with effect from the 9th June, 1972? If not, to what relief are the workmen entitled?"

2. The Custodian General, now representing the management and the union representing the workmen have come to a settlement by way of compromise of the matters referred to for adjudication. The terms are fair, just and equitable and are, therefore, recorded. An award is rendered in terms of the compromise petition which shall form part of the award.

[No. L-19012/80/72-LR. II]

S. N. BAGCHI, Presiding Officer.

Dated. 1st May, 1973.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, CALCUTTA

Reference No. 69 of 1972

Parties :

Employers in relation to the Management of Goenka Kajora A & B pits colliery, P.O. Ukhra, Distt. Burdwan.

AND

Their Workmen.

Point Petition of Compromise :

1. Both the parties aforesaid beg to submit herewith the petition of compromise in the above matter.

2. That the parties have come to an amicable settlement of the dispute under the following terms :—

(a) That S/Shri Jamuna Yadav and Jogeshwar Singh will be reinstated as Loaders with immediate effect at Goenka Kajora A & B Pits Colliery.

(b) That since Shri Kapildeo Singh has taken full and final payment of his dues and is already working in other capacity, the Union drops his case.

(c) That there will be no claim for any back wages, for the period of their un-employment.

(d) That this agreement resolves the present dispute fully and finally.

3. That the management will pay a sum of Rs. 100 (Rupees One Hundred only) as the cost of proceeding to the General Secretary, Khan Shramik Congress.

4. That both the parties, therefore, pray that the Hon'ble Presiding Officer will be pleased to give an Award in terms aforesaid.

For the Management

For the Workmen.

S. N. MISHRA, Agent.

B. S. AZAD, General Secretary.

Goenka Kajora A & B pits colliery. Khan Shramik Congress.

Dated : the 28th April, 1973

नई दिल्ली, 8 मई, 1973

का. आ. 1448.—यसः सम्बन्ध हाक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में संशोधन करने के लिए कतिपय प्रारूप-स्कीम हाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथा अपेक्षित भारत के राजपत्र, भाग 2, खण्ड 3 उपखण्ड (2), तारीख 23 दिसम्बर, 1972 के पृष्ठ 5771-72 पर भारत सरकार के श्रम और पनवसि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का. आ. 5273, तारीख 13 दिसम्बर, 1972 के अधीन, राजपत्र में उस अधिसूचना के प्रकाशन की तारीख से 45 दिनों की

समाप्त तक ऐसे सभी व्यक्तियों से, जिनका उससे प्रभावित होना संभाव्य है, आक्षेप अथवा सुझाव मांगते हुए प्रकाशित की गई थी।

और यतः उक्त राजपत्र जनता को 23 दिसम्बर, 1972 को उपलब्ध कराया गया था,

और यतः केन्द्रीय सरकार द्वारा उक्त प्रारूप पर जनता से प्राप्त आक्षेपों और सुझावों पर विचार कर लिया गया है;

अतः, अब उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार बम्बई डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में संशोधन करने के लिए एतद्द्वारा निम्नलिखित स्कीम बनाती है, अर्थात्—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस स्कीम का नाम बम्बई डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1973 होगा।

(2) यह राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

2. बम्बई डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में—

- (1) खण्ड 16 में, उपखण्ड (2) में, मद (झ) के पश्चात् निम्नलिखित मर्चा अन्तःस्थापित की जाएगी, अर्थात्—
- “(ज) सफाई करने वाले भाड़ू देने वाले टिंडलों के समूह।
- (ट) सफाई करने वाले कर्मकार।
- (ठ) भ्रष्टा देने वाले कर्मकार।
- (ड) सीबक।
- (ढ) सीने का काम करने वाले आवामी।”

(2) खण्ड 18 में, उपखण्ड (2) में, मद (ग) के पश्चात्, निम्नलिखित परन्तुक अन्तः स्थापित किया जाएगा, अर्थात्—

“परन्तु, रीजिस्ट्रीकृत किये जाने वाले व्यक्तियों की संख्या के सम्बन्ध में बोर्ड द्वारा कोई अवधारण केन्द्रीय सरकार द्वारा अनुमोदन करने के अधीन होगा।”

- (3) अनुसूची 1 में, उपखण्ड (2) में, मद (झ) के पश्चात् निम्नलिखित मर्चा अन्तः स्थापित की जाएगी, अर्थात्—
- “(ज) सफाई करने वाले या भाड़ू देने वाले टिंडलों के समूह।
- (ट) सफाई करने वाले कर्मकार।
- (ठ) भ्रष्टा देने वाले कर्मकार।
- (ड) सीबक।
- (ढ) सीने का काम करने वाले आवामी।”

[फाईल संख्या 51/4/70-पी. एंड डी.]

New Delhi, the 8th May, 1973

**S.O. 1448.**—Whereas certain draft scheme to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), at pages 5771-72 of the Gazette of India, Part-II, section 3, sub-section (ii), dated the 23rd December,

1972 under the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 5273, dated the 13th December, 1972 inviting objections or suggestions from all persons likely to be affected thereby, till the expiry of 45 days from the date of publication of that notification in the Official Gazette.

And whereas the said Gazette was made available to the public on the 23rd December, 1972;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956 namely:—

1. **Short title and commencement.**—(1) This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Scheme, 1973.

(2) It shall come into force on the date of the publication in the Official Gazette.

2. In the Bombay Dock Workers (Regulation of Employment) Scheme, 1956,—

(i) in clause 16, in sub-clause (2), after item (i), the following items shall be inserted, namely:—

“(j) Cleaning or Sweeping Gangs Tindels.

(k) Cleaning workers.

(l) Sweeping workers.

(m) Stitchers.

(n) Sewing men”.

(ii) in clause 18, in sub-clause (1) after item (c), the following proviso shall be inserted namely:—

“Provided that any determination by the Board regarding the number of persons to be registered shall be subject to approval by the Central Government”.

(iii) in Schedule 1 in, sub-clause (2), after item (i), the following items shall be inserted, namely:—

“(j) Cleaning or Sweeping Gangs Tindels.

(k) Cleaning workers.

(l) Sweeping workers.

(m) Stitchers.

(n) Sewing men”.

[F. No. 51/4/70-P & D]

**S.O. 1449.**—Whereas the draft scheme call the Bombay Unregistered Dock Clearing and Forwarding Workers (Regulation of Employment) Scheme, 1972, was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), at pages 5762—5771 of the Gazette of India, Part II, section 3, sub-section (ii) dated the 23rd December, 1972 under the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment), No. S.O. 5272, dated the 8th December, 1972 inviting objections or suggestions from all persons likely to be affected thereby, till the expiry of two months from the date of publication of the said notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on the 23rd December, 1972;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme for the port of Bombay, namely:—

**1. Short title and Commencement.**—(1) This Scheme may be called the Bombay Unregistered Dock Clearing and Forwarding Workers (Regulation of Employment) Scheme, 1973 (hereinafter referred to as the Scheme).

(2) The Scheme shall come into force on the date of its publication in the Official Gazette.

**2. Objects and application.**—(1) The objects of the Scheme are to ensure greater regularity of employment for dock clearing and forwarding workers and to secure that an adequate number of dock clearing and forwarding workers is available for the efficient performance of dock clearing and forwarding work.

(2) The Scheme relates to the Port of Bombay and applies to all workers engaged in loading, unloading, transport of import and export goods for clearance in the Bombay Docks, but shall not apply to—

(a) workers engaged in loading and unloading operations of—

- (i) cotton bales and copra bags;
- (ii) dry fruits and dates and seasonal cargoes;
- (iii) cargoes landed and cleared from Bunders;
- (iv) hides and skins;

(b) hand cart operators.

(3) The Scheme shall apply to listed workers and listed employers as defined in clause 3.

(4) Nothing in this scheme shall apply to any class or description of dock work and dock workers in the Indian Naval Dockyard, Bombay.

**3. Definitions.**—In the Scheme, unless the context otherwise requires;

- (a) "Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);
- (b) "Administrative Body" means the Administrative Body appointed under clause 4;
- (c) "Board" means the Bombay Dock Labour Board constituted under the Act;
- (d) "Chairman" means the Chairman of the Board;
- (e) "daily worker" means a listed worker who is not a monthly worker;
- (f) "Deputy Chairman" means the Deputy Chairman of the Board;
- (g) "employer" means the person by whom a worker is employed or is to be employed and includes a group of employers formed under clause 13(3);
- (h) "dock work" means clearing and forwarding operations at places or premises to which the Scheme relates, ordinarily performed by workers of the classes or descriptions to which the scheme applies;
- (i) "employers register" means the register of employers maintained under the Scheme;
- (j) "Labour Officer" means the Labour Officer appointed by the Administrative Body under clause 11;
- (k) "Listed worker" means worker whose name is for the time being entered in the register or record;
- (l) "Listed employer" means an employer whose name is for the time being entered in the employers register;
- (m) "monthly worker" means a listed worker who is engaged by a listed employer or a group of such employers on monthly basis under a contract which requires for its termination at least one month's notice on either side;
- (n) "Personnel Officer" means the Personnel Officer appointed by the Board by under clause 5;
- (o) "reserve pool" means a pool of listed workers who are available for work, and who are not for the time being in the employment of a listed employer or a group of employers as monthly workers;
- (p) "Schedule" means the Schedule annexed to the Scheme;

(q) "week" means the period commencing from midnight of Saturday and ending on the midnight of the next succeeding Saturday;

(r) "worker" means a dock clearing and forwarding worker who is employed in dock work under the Scheme.

**4. Administrative Body.**—(1) The Central Government may, by notification in the Official Gazette, appoint a body consisting of such employers of clearing and forwarding workers as the Central Government may nominate in this behalf or any other authority to be Administrative Body for purpose of carrying on the day-to-day administration of the Scheme.

(2) The Administrative Body shall, subject to the supervision and control of the Board and the Chairman and subject to the provisions of clause 34, carry on the day-to-day administration of the Scheme.

(3) The Central Government may, for sufficient cause, remove any Administrative Body appointed under sub-clause (1):

Provided that the Administrative Body shall not be removed unless it has been given a reasonable opportunity of being heard.

**5. Personnel Officer and other servants of the Board.**—

The Board may appoint a Personnel Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post the maximum salary of which exclusive of allowances is rupees one thousand and above per mensem shall be created, and no appointment to such post shall be made by the Board except with the previous approval of the Central Government:

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than three months.

**6. Functions of the Board.**—The Board may take such measures as it may consider desirable for furthering the objects of the Scheme set out in clause 2, and more particularly described in clause 7 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, so far as may be applicable to the Scheme, and shall also be responsible for—

- (a) appointing, abolishing or reconstituting committees under clause 27;
- (b) determining and keeping under review the number of listed employers and listed workers from time to time on the list and the increase or decrease to made in the number in any such list;
- (c) keeping and maintaining a list of employers, entering or re-entering therein the name of any employer and where circumstances so require, removing from the list, the name of any employer, either at his own request or in accordance with the provision of the scheme;
- (d) keeping and maintaining from time to time a list of workers and removing from the list the name of a worker either at his own request or in accordance with the provisions of this scheme;
- (e) issuing photo-identity cards for listed workers;
- (f) providing medical facilities for listed workers;
- (g) recovering from listed employers, such administrative charges as it may determine;
- (h) making recommendations to the Central Government about such changes in this Scheme as the Board may consider desirable from time to time;
- (i) determining wages in relation to the actual output of work pertaining to the categories of listed workers in different stages and also their allowances and other conditions of service.

**7. Responsibilities and duties of the Board in meeting.**—The Board in meeting shall be responsible for dealing with all matters of policy as laid down in clause 8 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, so far as may be applicable to the Scheme.

**8. Responsibility and duties of the Chairman.**—Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Scheme as laid down in clause 9 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, so far as may be applicable to the Scheme.

**9. Responsibilities and duties of the Deputy Chairman.**—The Deputy Chairman shall discharge functions as laid down in clause 10 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, so far as may be applicable to the Scheme.

**10. Functions of the Administrative Body.**—Without prejudice to the powers and functions of the Board and of the Chairman and the Deputy Chairman, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for—

- (a) keeping, adjusting and maintaining the list of employers, entering or re-entering therein the name of any employer and, where circumstances so require, removing from the list the name of any listed employer, either at his own request or in accordance with the provisions of the Scheme;
- (b) keeping, adjusting and maintaining from time to time such list or records as may be necessary of workers, including any list or record of workers who are temporarily not available for work and whose absence has been approved by the Administrative Body and where circumstances so require removing from any list or record the name of any listed worker either at his own request or in accordance with the provisions of the scheme;
- (c) the employment and control of listed workers available for work when they are not otherwise employed in accordance with the Scheme;
- (d) the grouping or re-grouping of listed workers in accordance with the instructions received from the Board in such group as may be determined by the Board;
- (e) the allocation of listed workers of the Pool who are available for work to listed employers and for this purpose the Administrative Body shall:—
  - (i) be deemed to act as an agent for the employer;
  - (ii) make the fullest possible use of listed workers of the pool;
  - (iii) keep the record of attendance, at call stands or control points of listed workers;
  - (iv) provide for the maintenance of records of employment and earnings of listed workers;
  - (v) subject to clause 21(3), allot work in rotation;
  - (vi) make necessary entries in the Attendance Card and Wage slip of workers;
- (f) (i) the collection of levy, contribution to the Workers' Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;
- (ii) the collection of workers' contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;
- (iii) the payment as agent of the listed employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
- (iv) the payment of compensation to workers arising out of accidents, under the Workmen's Compensation Act, 1923, (8 of 1923), and for that purpose, if necessary, to insure the workers under such suitable Insurance cover, as the Administrative Body deems fit;
- (g) appointing such officers and servants from time to time as may be necessary;
- (h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it, and making and submitting to the Board an annual report and audited balance-sheet;

- (i) the framing of the budget annually, submitting the same to the Board on or before the fifteenth day of February in each year and getting it approved by the Board;
- (j) maintaining complete service records of all listed workers; and
- (k) such other functions as may, from time to time subject to the provisions of the Scheme, be assigned to it by the Board, the Chairman or the Deputy Chairman.

**11. Labour Officer.**—The Administrative Body when it consists of employers of workers shall appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer shall, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that Body consistent with the provisions of the Scheme.

**12. Functions of the Personnel Officer.**—The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and shall in particular carry out the functions vested in him under clause 34 of the Scheme.

**13. Listing of employers.**—(1) The Board shall maintain a list of employers to whom this Scheme applies.

(2) Every person, who on the date of commencement of this Scheme, is an employer to whom this Scheme applies and who applies to the Board in this behalf on or before such date as may be fixed by the Board for this purpose shall be entitled to be listed under this Scheme, subject to his being licensed by the custom authorities in this behalf.

(3) The Board may, subject to such conditions as it may with the previous approval of the Central Government prescribe in this behalf, permit persons listed under sub-clause (2), to form one or more groups, and each group so formed shall be treated as one employer only for employment of monthly workers.

(4) The Board, may, if it considers expedient and necessary to do, list employers other than those covered by sub-clause (2).

(5) Where the Board refuses to list an employer, it shall communicate to the person concerned a copy of the order together with the reasons therefor.

**14. Listing of workers.**—(1) Any worker, who has been in the employment of an employer to whom this Scheme applies and has worked under him for such number of days or shifts during such period as may be prescribed by the Board, shall, subject to the following conditions, be eligible for being listed, namely:—

- (i) The number of workers of each class to be selected for listing shall not exceed the number which the Board may determine from time to time, Selection for listing shall be made, as far as possible, on the basis of seniority as determined by the length of service rendered by a worker or on such other basis as the Board may determine, provided that such worker shall be medically fit and shall not be more than 58 years of age.
- (ii) Only Indian citizens shall be eligible for being listed;

Provided that workers who are not Indian citizens but are otherwise eligible may be listed provisionally in a separate list on such terms and conditions as the Board may in consultation with the Central Government, prescribe from time to time:

Provided further that a worker who is temporarily medically unfit may be listed provisionally subject to the condition that—

- (i) the ailment leading to temporary unfitness is declared as being curable within a reasonable period;
- (ii) the period of provisional listing shall not exceed six months unless an extension is granted by the Board; and

- (iii) if after the period or extended period of provisional listing the worker is still found unfit, his listing shall not be renewed.

(2) Workers shall be listed in accordance with the following procedure; namely :—

- (i) Each eligible worker shall apply to the Board through his employer on or before such date as may be fixed by the Board. The application shall be submitted, in duplicate, in the form prescribed by the Board and shall be accompanied by three copies of passport size photograph of the worker concerned, the cost of which shall be borne by him.

- (ii) A listed employer shall not refused to forwarded the application of a worker who has been in his employment and has worked under him for such number of days or shifts during such period as may be prescribed by the Board under sub-clause (1):

Provided that if any question arises whether or not a worker has been in the employment of his employer and has worked under him for such number of days or shifts as may be prescribed by the Board, it shall be referred to such officer, authority or committee as the Board may specify for the decision of such officer, authority or committee as the case may be.

- (iii) The period for which a worker of a class specified in the Schedule has served on work relatable to that class under a particular employer shall, as far as possible, be recorded on the basis of payments of wages made to the worker previously, either directly by the employer or through any of the employer's agents.

- (iv) While forwarding an application of a worker, the employer shall if he does not recommend the application state the reasons for which he does not recommend the application.

- (v) Every worker shall pay to the Board a 'listing fee' of twenty-five paise on his name being listed.

- (vi) If the application is in order, the Board shall enter the name of the worker in the list of workers and retain one copy each of the application and the photograph for record and return the other copy of the application with a photograph affixed on it together with a photo-identity card to the listed employer through whom he application has been received. The employer shall hand over the photo-identity card to the worker concerned.

(3) Such of those workers who have been listed by the Board or whose names have been approved by the Board for listing, prior to the appointment of the Administrative Body under the provisions of the Scheme, shall be enrolled by the Administrative Body.

(4) Notwithstanding any other provision of the Scheme, where the Board is of opinion that a worker has secured his listing by furnishing false information in his application or by withholding any information required therein, or where it appears that a worker has been listed improperly or incorrectly the Board in meeting may direct the removal of his name from the list.

Provided that before giving any such direction, the Board shall give such worker an opportunity of showing cause why the proposed direction should not be issued.

(5) A copy of every order refusing to list a worker shall be communicated to him.

(6) The qualification for listing of new workers shall be such as may be prescribed by the Board having regard to the local conditions but the age of such workers shall not be more than 25 years, and such workers shall have physical fitness, capacity and experience. Listing of new workers shall be done from among the workers who have been or were working in the port on any such date as the Board may prescribe in this behalf and selection for listing shall be made as far as possible on the basis of seniority.

## 15. Workers' Registers :

- (a) The workers' registers shall be maintained in the forms prescribed by the Board for this purpose.

- (b) The registers of workers shall be as under, namely :—

- (i) **Monthly Register.**—Register of workers who are engaged by an employer on contract on monthly basis and who are known as monthly workers.
- (ii) **Reserve Pool Register.**—Register of workers other than those on the monthly register and known as Reserve Pool workers. This register shall include a sub-pool of workers to fill casual vacancies. The workers included in such a sub-pool shall be known as leave reserve workers.

## 16. Classification of workers in lists :

- (1) The Board shall arrange for the classification of workers by categories in the registers.

- (2) Workers listed under the Scheme shall be classified into :—

- (a) Muccadams.
- (b) Clearing and forwarding Mazdoors.

(3) The Board shall also arrange for the classification of workers in the Reserve Pool Register into two categories as category 'A' and category 'B' keeping in view the benefits conferred as such categories under this Scheme.

## 17. Fixation of number of workers on the register :

- (1) The Board shall in consultation with the Administrative Body and with the previous approval of the Central Government determine, before the commencement of listing in any category, the number of workers required in that category.

(2) A listed employer or a group of employers may subject to such conditions as may be prescribed by the Board in this behalf, increase the number of workers as his/its monthly registers by selection of workers from the reserve pool.

## 18. Promotion and Transfer of workers :

- (1) A vacancy, other than a casual vacancy, in 'A' category of workers in a reserve pool register shall ordinarily be filled by promotion of a worker from the 'B' category.

(2) A vacancy other than a casual vacancy, in any category of monthly workers may be filled only by promotion from lower categories of monthly workers of the same employer or group of employers or, if no person is suitable for promotion from lower categories of monthly workers of the same employer or group of employers, by transfer of a worker in the same or superior category from the reserve pool who may be selected by a listed employer or a group of employers.

**Explanation.**—The criteria for promotion shall ordinarily be :—

- (a) seniority,
- (b) merit and fitness for work in the category to which promotion is to be made, and
- (c) record of past service.

**Note.**—A transfer from the reserve pool register to the monthly register in the same category or vice versa shall not be deemed a promotion.

(3) The Chairman or the Deputy Chairman may for sufficient and valid reasons allow the transfer of a monthly worker to the reserve pool on a request in writing of the employer or the worker explaining fully the reasons for the transfer provided that such transfer shall be subject to the fulfilment of any contract subsisting between the monthly worker and his employer regarding termination of employment. No transfer shall take place without the prior approval of the Chairman or the Deputy Chairman.

(4) If a monthly worker is transferred to the reserve pool under sub-clause (3) his previous service shall be reckoned for all benefits in the reserve pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of his previous service as if such service

had not been transferred. The employers shall in particular contribute to the Board such amount as may be appropriate towards the workers leave, Provident Fund or gratuity that may be due to him on the date of such transfer.

#### 19. Medical Examination :

(1) A new worker before listing shall undergo free of charge, a medical examination for physical fitness by a Medical Officer, nominated by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be prescribed in this behalf, for examination by a Medical Board. On receipt of such a request, the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is declared medically unfit shall not be entitled to listing.

(2) If the Administrative Body deems it necessary, a worker shall undergo free of charge of medical examination by a Medical Board to be constituted by the Chairman. The decision of the Medical Board shall be final. If a worker is found permanently unfit by the Medical Board the Chairman shall terminate his services forthwith.

#### 20. Employment of workers :

(1) A monthly worker of a particular category attached to a listed employer or a group of employers shall be entitled to be employed for work in that category by that employer or group of employers, in preference to any worker of the same category in the reserve pool.

(2) If the number of workers on the monthly register in a particular category is not sufficient for the work available, the workers in category 'A' on the reserve pool register in that category shall be employed.

(3) If the number of workers on a monthly register and in category 'A' on the reserve pool register in a particular category is not available, the workers in category 'B' on the reserve pool register in that category shall be employed.

(4) A monthly worker of one employer or a group of employers shall not be employed by another employer or group of employers except with the previous approval of the Chairman or the Deputy Chairman.

#### 21. Employment in shifts :

(1) Workers shall be employed in shifts.

(2) (a) A worker shall not ordinarily be employed in two consecutive shifts nor shall a worker be employed in two consecutive shifts on each of two successive days. In no case shall a worker be employed in three consecutive shifts.

(b) A worker in the reserve pool shall not be employed for more than 9 shifts in a week or 33 shifts in a month.

(c) Normally a monthly worker shall not be employed for more than 6 shifts in a week or 27 shifts in a month, but when a worker in the reserve pool who has not reached the maximum limit of employment specified in item (b) is not available, a monthly worker may be employed upto 9 shifts in a week or 33 shifts in a month.

(d) In special circumstances, the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary.

(e) Workers working more than one shift in a day shall be entitled to the normal rate of wages for work in each shift.

(3) Workers of each category on the reserve pool register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

#### 22. Guaranteed Minimum Wages in a month :

(1) A worker in category 'A' in the reserve pool register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance as prescribed by the Board appropriate to the category to which he permanently belongs, even though no work is found for him

for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above. The guaranteed minimum wages in a month shall be—

(a) for the number of days for which wages are guaranteed in a month subject to the condition that the worker attended for work on all days of the month as directed by the Administrative Body; or

(b) proportionate to the number of days on which the worker attended for work provided he was excused from attendance on all the remaining days of the month.

(2) Subject to the provisions of sub-clause (1), the minimum number of days in a month for which wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the workers in the reserve pool in the lowest categories of listed workers during the preceding year provided the minimum number of days does not exceed 21.

Note:—The method of assessing the average employment is detailed in the Schedule.

(3) The minimum number of days for which wages shall be guaranteed under sub-clauses (1) and (2) shall not automatically apply to worker in new categories that may be listed after the date of enforcement of the Scheme. The minimum number of days for which wages shall be guaranteed to these categories shall be determined by the Board. The annual re-fixation of the minimum number of days as under sub-clause (2) shall be done independently in their case also.

**Explanation I:**—In sub-clauses (1), (2), and (3) of the clause, a 'day' means a shift.

**Explanation II:**—For the purpose of this clause, the expression 'month' shall not include the days of weekly off.

#### 23. Attendance Allowance:

Subject to the other provisions of the Scheme, a worker in category 'A' on the reserve pool register who is available for work but for whom no work is found shall be paid attendance allowance inclusive of dearness allowance at the rate of rupee one per day for the days on which during a calendar month he attended for work as directed by the Administrative Body and no work was found for him :

Provided that the Board may allow payment of attendance allowance exclusive of dearness allowance at such higher rate not exceeding rupees two as it may deem necessary :

Provided further that no attendance allowance shall be payable for any day for which full wages, inclusive of dearness allowance have been paid under clause 22 or otherwise or for which disappointment money is paid under clause 25.

#### 24. Employment for a shift :

No worker in the reserve pool register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid for the entire shift :

Provided that if he is subject to piece rate wages under any agreement with the listed employer he shall be paid at the rates laid down in such agreement.

#### 25. Disappointment Money :

When a worker in the reserve pool present himself for work and for any reason the work for which he has attended cannot commence or proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he shall be entitled to disappointment money equal to half the wages rate inclusive of dearness allowance appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full wages inclusive of dearness allowance :



Provided that in the case of a worker who is subject to the piece rate system of wages, under any agreement, with the listed employer the payment, if any, due to him under this clause, shall be reduced by the amount of the idle time payment made, if any under such agreement, in respect of the same period.

**Explanation:** The 'wage rate' inclusive of 'dearness allowance' or 'full wages inclusive of dearness allowance' in respect of workers subject to piece rates under any agreement with the listed employer shall be the same as the "daily wage rate" thereunder.

#### 26. Holidays :

Each worker shall be entitled in a year to 6 holidays with pay at such rates as may be prescribed by the Board under clause 33. Any payment made under this clause shall be exclusive of the payment calculated under clause 22.

#### 27. Committees :

The Board may appoint one or more committees to whom it may entrust such of its administrative functions as it may deem necessary to facilitate compliance with the provisions of the Scheme and may abolish or reconstitute them as it may deem necessary. Persons who are not members of the Board may, if necessary, be nominated as co-opted members of a committee, such co-opted members, however, shall not have any right to vote.

#### 28. Obligations of listed workers :

(1) Each listed worker shall be deemed to have accepted the obligations of the Scheme.

(2) A listed worker shall not offer himself for employment with any other employer on any day on which he is offered employment by his employer.

(3) A listed worker who is available for work shall not engage himself for employment under a listed employer unless he is allocated to that employer by the Administrative Body.

(4) A listed worker in the pool who is available for work shall carry out the directions of the Administrative Body and shall—

- (a) report at such call stands or control points on such days and at such times as may be specified by the Administrative Body;
- (b) accept any employment in connection with dock work whether in the category or pool in which he has been listed or in any other category or pool for which he is considered suitable by the Administrative Body.

(5) A listed worker who is available for work when allocated by the Administrative Body for employment under a listed employer shall carry out his duties in accordance with the directions of such listed employer or his authorised representative or supervisor and the rules of the port or place where he is working.

#### 29. Obligations of listed employers

(1) Every listed employer shall be bound by the provisions of the Scheme.

(2) Every listed employer shall pay to the Board such administrative charges as may be fixed by the Board from time to time.

(3) Subject to the provisions of clause 20(1), a listed employer shall not employ a worker other than a listed worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 10(e).

(4) A listed employer shall in accordance with the arrangements made by the Administrative Body subject all available information of his current and future labour requirements.

(5) A listed employer shall pay to the Administrative Body in such manner and at such times as the Chairman may direct the administrative charges payable under sub-clause (2) and gross wages due to the dock workers.

(6) A listed employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Chairman upon reasonable notice and such records and any other documents of any kind relating to listed workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or direction issued by or on behalf of the Board.

(7) A listed employer shall not pay a listed worker any thing in cash or in excess of the wages normally and actually due to the worker.

#### 30. Suspension of supply of listed workers :

If a listed employer fails to make the payment due from him under clauses 29 and 39 or any other amount due and payable to the Board in any other capacity or account within such time as may be prescribed by the Administrative Body, the Administrative Body shall serve a notice on the employer to the effect that, unless he pays his dues within three days from the date of receipt of the notice, the supply of listed worker to him shall be suspended. On the expiry of the notice period, the Administrative Body shall suspend the supply of listed workers to the defaulting employer until he pays his dues.

#### 31. Restriction on Employment :

(1) Subject to the provisions of the Scheme, no person other than a listed employer shall employ any worker on dock work nor shall a listed employer engage for employment or employ a worker on dock work unless that worker is a listed worker.

(2) Notwithstanding the foregoing provisions of this clause—

(a) where the Administrative Body is satisfied that—

- (i) dock work is emergently required to be done; and
- (ii) it is not reasonably practicable to obtain a listed worker for that work;

the Administrative Body may, subject to any limitations imposed by the Board, allocate a listed employer a person who is not a listed worker. In selecting such persons the local Employment Exchange organisation shall, as far as possible, be consulted :

Provided that, whenever persons other than listed workers have to be employed, the Administrative Body shall obtain, if possible, the prior approval of the Chairman to the employment of such persons, and where this is not possible, shall report to the Chairman within 24 hours the full circumstances under which such persons were employed and the Chairman shall duly inform the Board of such employment at its next meeting ;

(b) the Board may, subject to such conditions as it may specify, permit employment of persons other than listed workers on a holiday, if dock work is required to be done on that day, to the extent listed workers are not available for work;

(c) in the cases referred to in items (a) and (b), the person so employed shall be treated in respect of that work as if he were a daily worker.

#### 32. Penalties :

A contravention of clause 31 shall be punishable with fine not exceeding rupees two hundred in respect of a first contravention or rupees five hundred in respect of any subsequent contravention.

#### 33. Wages, Allowances and other conditions of service of workers :

Without prejudice to the provisions of any agreement entered into between the listed employers and listed workers, unless otherwise specifically provided for in the scheme it shall be an implied condition of the contract between a listed worker (whether in the reserve pool or on the monthly register) and listed employer that—

- (a) the rates of wages, allowances and overtime hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers; and

- (b) the fixation of wage period, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936 (4 of 1936).

#### 34. Disciplinary Procedure :

(1) The Personnel Officer on receipt of information, whether on complaint or otherwise, that a listed employer has failed to carry out the provisions of the Scheme may after investigating the matter—

- (i) give him a warning in writing, or
- (ii) if in his opinion, a higher penalty is merited, report the case to the Deputy Chairman.

(2) The Deputy Chairman shall then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say he may—

- (a) censure the employer and record the censure in his record sheet ; or
- (b) subject to the approval of the Board and after one month's notice in writing to the employer, direct that the name of the employer shall be removed from the list of employers for such period as may be determined by the Board or permanently, if the Board so determines.

(3) (i) A listed worker in the reserve pool who fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported against in writing to the Labour Officer.

(ii) The Labour Officer after investigating the matter may give him a warning in writing or suspend him for a period not exceeding ten days.

(iii) Where, in a case reported to the Labour Officer under item (i), the Labour Officer is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Labour Officer may, pending investigation of the matter, suspend the worker for a period not exceeding ten days and report immediately to the Deputy Chairman, who, after preliminary investigation of the matter, shall pass orders thereon whether the worker should, pending final orders, remain suspended or not ; provided that the total period of such suspension shall not exceed a period of three months.

(iv) Where the Deputy Chairman comes to the decision that the order of suspension of the worker pending investigation into the charge of indiscipline or misconduct, as the case may be, ought not to have been made, the worker shall be entitled to such payments from the Administrative Body as may be decided by the Deputy Chairman.

(v) Where, in the opinion of the Labour Officer, higher punishment than that provided in item (ii) is merited, he shall report the case to the Deputy Chairman.

(vi) On receipt of the report from the Labour Officer under sub-clause item (v) that a listed worker in the reserve pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard output or has violated the provisions of the Scheme more than once or has been inefficient in any other manner, the Deputy Chairman may make or cause to be made such further investigation as he may deem fit and thereafter take any of the following steps as regards the worker concerned, that is to say, he may impose any of the following penalties :

- (a) give him a warning in writing ;
- (b) suspend him for a period not exceeding 3 months ;
- (c) terminate his services after giving 14 days' notice ; or
- (d) dismiss him.

(vii) Before any action is taken under this clause, the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him. A copy of the final order shall also be communicated to the person concerned.

(viii) The Administrative Body shall be informed simultaneously about the action taken under this clause.

#### 35. Special disciplinary powers of the Chairman :

(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any gang of listed workers or by any such individual worker and is being continued or repeated by the same gang or worker or different gangs or workers on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—

- (i) in the case of monthly workers, to take, without prejudice to the rights of the listed employers, such disciplinary action including dismissal against such workers, as he may consider appropriate ; and
- (ii) in the case of listed workers in the reserve pool to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance allowance for the wage period or periods in which the 'go-slow' has been resorted to.

(3) The Chairman may take disciplinary action:—

- (i) where the go-slow is resorted to by a gang, against all the members of the gang ; and
- (ii) where the 'go-slow' is resorted to by a worker, against the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or any gang of workers, such worker or gang shall be given an opportunity to show cause why the proposed action should not be taken against him or it :

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause suspend from work any worker or gang of workers immediately after a declaration has been made under sub-clause (1).

- (5) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 23 or one-fourth of his daily wage including dearness allowance, whichever is greater :

Provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance ;

- (b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever ;
- (c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 23 had he not been suspended ; provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(6) Any listed worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.

#### 36. Appeals by workers :

(1) Save as otherwise provided in this clause, a worker in the reserve pool is aggrieved by an order passed by an authority specified in column (1) of the Table below under the provisions specified in column (2) of the said table may prefer an appeal against such order to the authority specified in column (3) of the said Table.

TABLE

Authority order	Passing order	Order made under	Appellate Authority
1		2	3
Labour Officer	Clause	34	Deputy Chairman
Deputy Chairman	Clause	34	Chairman
Chairman	Clause	35	Central Government

(2) A worker who is aggrieved by an order—

- (i) placing him in a particular group in the register or record ; or
- (ii) refusing listing under clause 14 ; or

(iii) requiring him under clause 28 to undertake any work which is not of the same category to which he belongs, may prefer an appeal to the Chairman.

(3) No appeal shall lie where due notice has been given of the removal of the name of a listed worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the listed worker falls within a class or description of workers whose names are to be removed from the register or record in order to reduce the size thereof : Provided that an appeal shall lie to the Chairman where the listed worker alleges that he does not belong to the class or description of workers referred to in the instructions of the Board.

(4) Every appeal referred to in sub-clause (1) or (2) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against.

(5) The appellate authority may, after giving an opportunity to the appellant to be heard, if he so desires, and for reasons to be recorded in writing, pass such order as it thinks fit.

(6) Every order passed under sub-clause (5) shall be communicated to the appellant:

Provided that the appellate authority may, for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

(7) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the registered trade union of which he is a member or by a listed worker.

### 37. Appeals by employers :

(1) (a) A listed employer who is aggrieved by a warning of the Personnel Officer under clause 34(1)(i) may appeal to the Deputy Chairman and there shall be no further appeal against the order of the Deputy Chairman.

(b) A listed employer who is aggrieved by an order of the Deputy Chairman under clause 34(2), may appeal to the Chairman. There shall be no further appeal against the order of the Chairman, in respect of an appeal against an order under clause 34(2) (a). In the case of an appeal against an order under clause 34(2)(b), the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(2) A listed employer who has been refused registration under clause 13 may appeal to the Central Government through the Chairman and there shall be no further appeal against the order of the Central Government.

(3) If a listed employer is aggrieved by an original order of the Deputy Chairman against him under clause 34, he may prefer an appeal to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(4) Every appeal referred to in sub-clauses (1), (2), and (3) shall be in writing and preferred within 14 days of the receipt of the order appealed against:

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

(5) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the association of listed employers of which he is a member or by a listed employer.

### 38. Special provisions for action in an emergency :

(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a listed employer has failed to carry out the provisions of the

Scheme, the Chairman may, after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—

(a) give the listed employer a warning in writing, or  
(b) direct that the name of the listed employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or misconduct is made against a listed worker, the Chairman may suspend him forthwith pending inquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—

(a) determine that for such period as he thinks proper that worker shall not be entitled to any payment;  
(b) give him a warning in writing;  
(c) suspend him without pay for a period not exceeding three months;  
(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof, or  
(e) dismiss him.

(3) The provisions of the Scheme relating to disciplinary action against listed employers and listed workers shall not apply to any order passed by the Chairman under sub-clause (2).

(iii) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 23 or one-fourth of his daily wage including dearness allowance, whichever is greater: provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 23 had he not been suspended, provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(4) Any listed worker or listed employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.

(5) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force the Chairman may authorise the employment of un-listed workers directly by listed employers and payment to such unlisted workers directly.

### 39. Cost of operating the Scheme :

(1) The Cost of operating the Scheme shall be defrayed by payments made by listed employers to the Board. Every listed employer shall pay to the Board such amount by way of levy in respect of reserve pool workers together with and at the same time as the payment of gross wages due from him under clause 29(5), as the Board may, from time to time, prescribe by a written notice to listed employers and the amount payable by way of such levy shall not be less than such amount as the Board may fix as the minimum payable by every listed employer. If considered necessary, the Board may require any listed employer to pay such amount by way of levy in respect of monthly workers at such rate as it may determine.

(2) In determining what payments are to be made by listed employers under sub-clause (1), the Board may fix different rates of levy for different categories of work or workers, provided that the levy shall be so fixed that the same rate of levy will apply to all listed employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding hundred per cent of the estimated total wage bill calculated on the basis of the daily wage rate without the prior approval of the Central Government.

(4) A listed employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the due payment of the amount referred to in sub-clause (1), as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of the Scheme.

(6) If a listed employer fails to make the payment due from him under sub-clause (1) or any other amount due and payable to the Board in any other capacity or account within the time prescribed by the Administrative Body, the Administrative Body shall serve a notice on the employer to the effect that, unless he pays his dues within three days from the date of receipt of the notice, the supply of listed dock workers to him shall be suspended. On the expiry of the notice period, the Administrative Body shall suspend the supply of listed workers to a defaulting employer until he pays his dues.

**40. Arrears of dearness allowance, wages and other allowances.**—In case of any revision of dearness allowance or grant of revised wages or other allowances, with retrospective effect, in pursuance of any award or settlement or recommendation made by the Central Government, the Board may, out of its funds, pay the listed workers arrears upto the date of the award or settlement or recommendation, as the case may be if the Board so decides.

**41. Provident Fund and Gratuity.**—(1) Without prejudice to the provisions of any agreement entered into between listed employers and listed workers the Board in respect of the workers in the reserve pool and the listed employers, in respect of their monthly workers, shall frame and operate rules providing for contributory provident fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary: Provided that the rules applicable to monthly workers shall not be less favourable than those relating to workers in the reserve pool.

(2) Without prejudice to the provisions of any agreement entered into between the listed employers and listed workers, the Board shall frame rules for payment of gratuity to listed workers.

**42. Dock Clearing and Forwarding Workers Welfare Fund.**—Cost of amenities, welfare and health measures and recreation facilities for listed dock workers shall be met from a separate funds called the Dock clearing and forwarding workers' Welfare Fund which shall be maintained by the Board. Contribution to this Fund shall be made by all listed employers at such rate as may be determined by the Board. The Board shall frame rules for contributions to, maintenance and operation of the Fund.

#### SCHEDULE

(See clause 22)

The minimum number of days in a month for which wages are guaranteed should be assessed on the basis of average employment during the preceding 12 months according to the following procedure:—

- Supposing an assessment is being made in the month of October, 1972, the total number of workers in the reserve pool (including the leave Reserve Workers) as on the 1st October, 1971 and the 31st October, 1971 should be ascertained. The average strength, on the register, of these categories should be ascertained by adding the two figures and dividing by 2.
- The total number of man-shifts worked by workers of the categories referred to in (a) during the month should be ascertained from the daily employment statistics.
- The total number of man-days of authorised or unauthorised leave taken by the above workers should be ascertained. This figure should be divided by

the number of working days in the month to ascertain the average number of workers away on leave.

- The figures ascertained as in (c) should be deducted from the average obtained as in (a) to arrive at the effective strength of workers available during the month.
- The figures of man-shifts ascertained under (b) should be divided by the effective strength ascertained as in (d). The figure arrived at will be the average number of days of employment during the month of October, 1971.
- The above process should be repeated for the remaining 11 months from November, 1971 to September, 1972.
- The average employment figures for the 12 months should be added and divided by 12.
- The figures arrived at in (g) should be fixed as the minimum number of days for which wages will be guaranteed for the following 12 months ending 30th September, 1973.

The following example will illustrate :—

Suppose the total number of workers and Leave Reserve Workers in the reserve pool as on the 1st October.	2,000
Suppose the total number of workers and Leave Reserve Workers in the reserve pool as on the 31st October.	1,950
Average strength on the register for the month.	3,950
	2
Total number of man-shifts worked by the workers of the above categories in October.	36,000
Total number of man-days of authorised or unauthorised leave taken by the workers.	5,250
Number of working days in the said month (31 days of the month less one non-working day).	30
Average number of workers away on leave.	5,250
	30
Effective strength available during the month.	1975-175 = 1,800
Average employment for the month of October.	36,000
	20 days
	1,800

The same procedure will be followed to arrive at the average employment for the remaining 11 months. Let us assume the figure as follows :—

October, 1971.	20
November, 1971	21
December, 1971	18
January, 1972	20
February, 1972	18
March, 1972	19
April, 1972	20
May, 1972	19
June, 1972	18
July, 1972	19
August, 1972	20
September, 1972	16
Total	228

The number of days for which wages will be guaranteed for the next 12 months ending the 30th September, 1973 will be —228/12—19 days.

नई दिल्ली, 9 मई, 1973

का. आ. 1450.—मद्रास डॉक कर्मकार (नियोजन विनियमन) स्कीम, 1956 में और संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार, डॉक कर्मकार (नियोजन विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथा अपेक्षित उन सभी व्यक्तियों की जानकारी के लिए, जिनका उससे प्रभावित होना संभाव्य है, प्रकाशित किया जाता है, और यह सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो मास के पश्चात् विचार किया जाएगा।

किन्हीं आक्षेपों या सुझावों पर, जो इस प्रकार विनिर्दिष्ट तारीख के पूर्व उक्त प्रारूप की बाबत किसी व्यक्ति से प्राप्त किए जाएं, केन्द्रीय सरकार द्वारा विचार किया जाएगा।

#### प्रारूप स्कीम

1. इस स्कीम का नाम मद्रास डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1973 है।

2. मद्रास डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956, में—

(1) खण्ड 18 के उपखण्ड (1) में मद् (ग) में, "60 वर्ष" अंक और शब्द के स्थान पर "58 वर्ष" अंक और शब्द रखे जाएंगे,

(2) खण्ड 18 के पश्चात् निम्नलिखित खण्ड अन्तः स्थापित किया जाएगा, अर्थात्:—

"18क संवानिवृत्ति की आयु—इस स्कीम के अधीन किसी कर्मकार की संवानिवृत्ति की आयु 58 वर्ष होगी,

परन्तु जहां कि किसी प्रवर्ग के कर्मकार के लिए संवानिवृत्ति की विद्यमान आयु 60 वर्ष है वहां उन वर्तमान पदधारियों के लिए पद्धति जारी रहेगी।"

[फा. सं. 5-13017/8/72-पी. एण्ड. डी.]  
New Delhi, the 9th May, 1973

S.O. 1450.—The following draft of a Scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after two months from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

#### DRAFT SCHEME

1. This Schedule called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1973.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1957—

(i) in sub-clause (1) of clause 18, in item (e) for the figure and word "60 years" the figure and word "58 years" shall be substituted;

(ii) after Clause 18 the following Clause shall be inserted, namely:—

17 G of I/73--12

"18-A; Age of retirement.—The age of retirement of any worker under the Scheme shall be 58 years".

Provided that where the existing age of retirement for any category of workers is 60 years, that practice shall continue for the present incumbents".

[F. No. V.-13017/8/72-P&D]

का. आ. 1451.—मद्रास अरजिस्ट्रीकृत डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में और संशोधन के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार, डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथा अपेक्षित उन सभी व्यक्तियों की जानकारी के लिए, जिनका उससे प्रभावित होना संभाव्य है, प्रकाशित किया जाता है, और यह सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो मास के पश्चात् विचार किया जाएगा।

किन्हीं आक्षेपों या सुझावों पर, जो इस प्रकार विनिर्दिष्ट तारीख के पूर्व उक्त प्रारूप की बाबत किसी व्यक्ति से प्राप्त किए जाएं, केन्द्रीय सरकार द्वारा विचार किया जाएगा।

#### प्रारूप स्कीम

1. इस स्कीम का नाम मद्रास अरजिस्ट्रीकृत डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 है।

2. मद्रास अरजिस्ट्रीकृत डॉक कर्मकार (नियोजन का विनियमन) स्कीम 1957 में:—

(1) खण्ड 9 के उपखण्ड (1) में, मद् (घ) में, "60 वर्ष" अंक और शब्द के स्थान पर "58 वर्ष" अंक और शब्द रखे जाएंगे।

(2) खण्ड 9-ख के पश्चात् निम्नलिखित खण्ड अंतःस्थापित किया जाएगा, अर्थात्:—

"9-ग: संवानिवृत्ति की आयु—इस स्कीम के अधीन किसी कर्मकार की संवानिवृत्ति की आयु 58 वर्ष होगी:

परन्तु जहां कि किसी प्रवर्ग के कर्मकारों के लिए संवानिवृत्ति की विद्यमान आयु 60 वर्ष है वहां उन पदधारियों के लिए पद्धति जारी रहेगी।"

[फा. सं. 5 13017/8/72-पी. एण्ड डी.]  
डी. शंकरालिंगम, अवर सचिव।

S.O. 1451.—The following draft of a Scheme further to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after two months from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

#### DRAFT SCHEME

1. This Scheme called the Madras Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1973.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1956—

(i) in sub-clause (1) of clause 9, in item (i) for the figure and word "60 years" the figure and word "58 years" shall be substituted;

(ii) after Clause the 9-B the following clause shall be added, namely:—

9-C; Age of retirement.—The age of retirement of any worker under the Scheme shall be 58 years:

Provided that where the existing age of retirement for any category of workers is 60 years that practice shall continue for the present incumbents”.

[F. No. V.-13017/8/72-P&D]

V. SANKARALINGAM, Under Secy.

आदेश

नई दिल्ली, 30 मार्च, 1973

का. आ. 1452.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में श्री खूब चंद, खदान ठेकेदार, मैसर्स हालमिया दादरी सीमेंट लिमिटेड, चखी दादरी के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है, और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करमा वांछनीय समझती है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री ओ. पी. शर्मा होंगे, जिनका मुख्यालय फरीदाबाद में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

अनुसूची

“क्या मैसर्स हालमिया दादरी सीमेंट लि. चखी दादरी के प्रबंधन की, अचिना, फिंकर, राबलघी और खसीवास खदानों के निम्नलिखित कर्मचारियों की छंटनी करने की कार्रवाई बंद्य और न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुपात, यदि कोई हो, के हकदार हैं?”

18-11-1972 से अधिसूचना और सिसर कार्यों के छंटनी किए गए उत्खननों की

सूची

क्रम संख्या	नाम और पिता का नाम
1.	सुष्मा पुत्र हरिसिंह
2.	सुरजेशन पुत्र मौजी
3.	मीरसिंह पुत्र साधू
4.	बाबासिंह पुत्र भीमा
5.	रामसिंह पुत्र तोताराम
6.	सुभाषचन्द्र पुत्र गंगाराम
7.	जीत सिंह पुत्र बानी
8.	सरकारा पुत्र कुन्दन
9.	दयानन्द पुत्र श्री चन्द्र
10.	चन्दर पुत्र नामू
11.	सुरजीत पुत्र श्यादान
12.	रिमाल पुत्र माल
13.	चन्द पुत्र टोखा
14.	कमलसिंह पुत्र राम प्रसाद
15.	धर्मपाल पुत्र मन्मथन
16.	बलबीर पुत्र पल्लू
17.	दरया पुत्र लच्छमन
18.	रामेश्वर पुत्र रामचन्द्र

क्रम संख्या	नाम और पिता का नाम
19.	देवचन्द पुत्र सुन्दाराम
20.	भजीव पुत्र फतेह
21.	बुज पुत्र मलिया
22.	नन्दनाल पुत्र रूपराम
23.	रामचन्द्र पुत्र चन्दन
24.	मुभराम पुत्र सिखलाल
25.	मीरसिंह पुत्र भदराम
26.	गणपत पुत्र मनोहर
27.	हृवासिंह पुत्र पीर
28.	श्रीमप्रकाश पुत्र श्रीधराम
29.	राम भगत पुत्र मामत
30.	गणन पुत्र रामस्वरूप
31.	दयानन्द पुत्र जानी
32.	बलबीर पुत्र चन्दगी
33.	रघबीर पुत्र रामकरण
34.	मालीराम पुत्र फूलचन्द
35.	लक्ष्मीराम पुत्र बगवा
36.	श्रीम. काश पुत्र शिवलाल
37.	गोहताश पुत्र सन्तू
38.	कमला पुत्र बगला
39.	भतर सिंह पुत्र लालूराम
40.	चिरंजी पुत्र भाईघन
41.	श्रीमप्रकाश पुत्र बिरजू
42.	श्रीमप्रकाश पुत्र आगराम
43.	जगदीश पुत्र साधूराम
	मिलताराम पुत्र श्योराम
45.	रामेश्वर पुत्र साधूराम

18-12-1972 से राबलघी और खसीवास खदानों में छंटनी किए गए

उत्खननों की सूची

क्रम संख्या	नाम	पिता का नाम
1.	नरेशा राम	नन्दराम
2.	शेरसिंह	चन्वरीराम
3.	भतरसिंह	जुमलाल
4.	कटार सिंह	नन्धू
5.	जम सिंह	भूर सिंह
6.	भोलाराम	मुत्ताराम
7.	रघबीर	खालचंद
8.	पूरा	चन्द्रा
9.	हृदेवा	सुंदाराम
10.	दानाराम	मालाराम
11.	पोखर	गणपत
12.	लक्ष्मण	प्रेमा
13.	हृवासिंह	माईलाल
14.	दयानन्द	बैबान
15.	जाखू	बिमना
16.	लछमन	चैताराम
17.	भूमेर	भमीराम
18.	इन्दरराज	भामिराज
19.	सुन्दर	दयाराम

क्रम संख्या	नाम और पिता का नाम
20. बनवारी	भागमल
21. केसर	चन्दा
22. हजारी	श्रीकू'
23. सतबीर	नंदराम
24. रामेहर	भतरसिंह
25. श्योराम	रूपगम
26. मनोहर	सीसराम
27. बलबीर	पालाराम
28. मांगराम	खन्नाराम
29. जगदीश	भोलू
30. मृगीराम	जगमल
31. रामकिशन	माटूराम
32. रामभुभार	छोटाराम
33. नंदराम	जी राम
34. मांगिराम	मुन्नी
35. नारायण	छोटू
36. धर्मवीर	खेमचन्द
37. लालचंद	हरिराम
38. रणबीर	हरनारायण
39. भगवान	तोताराम
40. हरीसिंह	साबल
41. जगलाल	मामचन्द
42. सीसराम	चन्दा
43. भरतू	सुशीला
44. फूलसिंह	रामस्वरूप
45. परभू	नीबल

3. 1-1-1973 से खातोबास खानों के छंटनी किए गए कर्मचारियों की सूची

क्रम संख्या	नाम और पिता का नाम
1. श्री हंसराम पुत्र परभाती	
2. श्री मीसराम पुत्र पोपिया	
3. श्री उमेश पुत्र बदनू	
4. श्री फाटे पुत्र चन्दगी	
5. श्री भीम पुत्र सिंहराम	
6. श्री गिरधारी पुत्र साम्मन	
7. श्री कुरदा पुत्र हरनारायण	
8. श्री प्रताप पुत्र देवकरण	
9. श्री मोहन पुत्र राम सरण	
10. श्री रणबीर पुत्र लोक राम	
11. श्री टेकराम पुत्र रणजीत	
12. श्री पहलाव पुत्र भन्बर	
13. श्री चन्दगी पुत्र नदलाल	
14. श्री होशियारी पुत्र हरनारायण	
15. श्री मांगे पुत्र कुन्दन	
16. श्री दयानन्द पुत्र जयलाल	
17. श्री कमलसिंह पुत्र रामजीलाल	
18. श्री टिट्टू पुत्र श्योराम	
19. श्री रामचन्द्र पुत्र भदराम	
20. श्री नेकीराम पुत्र गोकुल	
21. श्री श्रीराम पुत्र रामस्वरूप	

क्रम संख्या	नाम और पिता का नाम
22. श्री रामकुमार पुत्र नेकी	
23. श्री मोहर्तसिंह पुत्र कन्हैया	
24. श्री प्रताप पुत्र नानेर	
25. श्री शंकर पुत्र बरलू	
26. श्री आजाद पुत्र परभाती	
27. श्री मनाराम पुत्र गुडिया	
28. श्री श्रीराम पुत्र भूमन	
29. श्री जोगी पुत्र चंदन	
30. श्री रतन पुत्र राम सरन	

4. 1-1-73 से रावलबी खानों के छंटनी किए गए कर्मचारियों की सूची

क्रम संख्या	नाम और पिता का नाम
1. श्री लोलूगम पुत्र राम नाथ	
2. श्री गणेश पुत्र गनपत	
3. श्री सारला पुत्र सारभू	
4. श्री छोटू राम पुत्र प्रेमराम	
5. श्री मोहन पुत्र प्रेमा राम	
6. श्री शंकर पुत्र जस्सा राम	
7. श्री भोलाराम पुत्र मंगतू राम	
8. श्री मोहन पुत्र केसा राम	
9. श्री केशर पुत्र बोधू राम	
10. श्री प्रेमा पुत्र भैरव राम	
11. श्री रामदेव पुत्र कुशला	
12. श्री सागर पुत्र गणेश	
13. श्री पूरन पुत्र भन्बर	
14. श्री कुर्दा पुत्र पूरन	
15. श्री राम कुमार पुत्र सोहन	
16. श्री लक्ष्मी नारायण पुत्र अयलाल	
17. श्री जितू पुत्र गोरधन	
18. श्री लक्ष्मण पुत्र जेतराम	
19. श्री मङ्गिलाल पुत्र भाना राम	
20. श्री सुन्दा पुत्र कुर्दा	
21. श्री जय लाल पुत्र फूल चंद	

5. 1-1-1973 से धबिला खानों के छंटनी किए गए कर्मचारियों की सूची

क्रम संख्या	नाम और पिता का नाम
1. श्री जयकरण पुत्र बरलू	
2. श्री रन्धीर पुत्र मेलार	
3. श्री नन्धू पुत्र पूरण	
4. श्री रन्धीर पुत्र रामजी लाल	
5. श्री बन्धुभान पुत्र मांगे राम	
6. श्री रामनिवास पुत्र उदमी	
7. श्री सुभाष पुत्र राम स्वरूप	
8. श्री मूलिया पुत्र सुग्गू	
9. श्री रामधारी पुत्र परभाती	
10. श्री राम सरन पुत्र मुन्नी	

[संख्या एल० 29012/9/73-एल०धार०-4]

## ORDFR

New Delhi, the 30th March, 1973

**S.O. 1452.**— Whereas the Central Government is of opinion that an industrial dispute exists between the employees in relation to the management of Shri Khub Chand, Quarry Contractor of Messrs Dalmia Dadri Cement Limited, Charkhi Dadri, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri O. P. Sharma as Presiding Officer with headquarters at Faridabad and refers the said dispute for adjudication to the said Industrial Tribunal.

## SCHEDULE

Whether the action of the management in retrenching the following workmen from Achina, Jhinjhar, Rawaldhi, and Khutiwas quarries of Messrs Dalmia Dadri Cement Limited, Charkhi Dadri, is legal and justified? If not, to what relief, if any, are the workmen entitled?

**1. List of retrenched Excavators of Achina and Jhinjhar Quarries with effect from 18-11-1972.**

Sl. No.	Name and Father's name
1.	Sunda S/o Hari Singh
2.	Suraj Bhan S/o Moji
3.	Mir Singh S/o Lalu
4.	Bawa Singh S/o Bhima
5.	Ram Singh S/o Tota Ram
6.	Subha Chand S/o Ganga Ram
7.	Jeet Singh S/o Dani
8.	Sardara S/o Kundan
9.	Daya Nand S/o Siri Chand
10.	Chander S/o Nathu
11.	Surjit S/o Sheodan
12.	Risal S/o Bhal
13.	Chand S/o Tokha
14.	Kamal Singh S/o Ram Pd.
15.	Dharam Pal S/o Makhan
16.	Balbir S/o Phullu
17.	Darya S/o Lachhman
18.	Rameshwar S/o Ram Chander
19.	Tek Chand S/o Sunda Ram
20.	Majid S/o Fateh
21.	Buja S/o Mulia
22.	Nand Lal S/o Rup Ram
23.	Ram Chand S/o Chandan
24.	Subh Ram S/o Sikh Lal
25.	Mir Singh S/o Ad Ram
26.	Ganpat S/o Manohar
27.	Hawa Singh S/o Piru
28.	Om Parkash S/o Adhe Ram
29.	Ram Bhagat S/o Maman
30.	Roshan S/o Ram Sarup
31.	Daya Nand S/o Giani
32.	Balbir S/o Chandgi
33.	Raghubir S/o Ram Karan
34.	Mali Ram S/o Phul Chand
35.	Lakhi Ram S/o Bugda
36.	Om Parkash S/o Shiv Lal
37.	Rohtash S/o Santu
38.	Kamla S/o Bugla
39.	Attar Singh S/o Lalu Ram
40.	Chiranji S/o Mai Dhan
41.	Om Parkash S/o Birju
42.	Om Parkash S/o Jage Ram
43.	Jagdish S/o Sadhu Ram
44.	Mir Ram S/o Sheo Ram
45.	Rameshar S/o Sadhu Ram

**2. List of retrenched excavators of Rawaldhi & Khutiwas Quarries with effect from 18-11-1972.**

Sl. No.	Name	Father's name
1.	Naresh Ram	Nand Ram
2.	Sher Singh	Chandgi Ram
3.	Attar Singh	Jag Lal
4.	Katar Singh	Nathu
5.	Jaman Singh	Bhur Singh
6.	Bhola Ram	Tula Ram
7.	Raghubir	Lal Chand
8.	Pura	Chandra
9.	Hardeva	Sunda Ram
10.	Dana Ram	Mala Ram
11.	Pokhar	Ganpat
12.	Lachhman	Prema
13.	Hawa Singh	Mai Lal
14.	Daya Nand	Deban
15.	Jalu	Chimna
16.	Lachhman	Chaina Ram
17.	Sumer	Mani Ram
18.	Indraj	Mam Raj
19.	Sunder	Daya Ram
20.	Banwari	Bhagmal
21.	Kesar	Chandra
22.	Hazari	Bhiku
23.	Sat Veer	Nand Ram
24.	Ramehar	Attar Singh
25.	Shoe Ram	Rup Ram
26.	Manohar	Sis Ram
27.	Balbir	Pala Ram
28.	Mange Ram	Khanna Ram
29.	Jagdish	Bholu
30.	Munshi Ram	Jagmal
31.	Ram Kishan	Matu Ram
32.	Ram Kumar	Chhotu Ram
33.	Nand Ram	Jee Ram
34.	Mange Ram	Munni
35.	Narain	Chhotu
36.	Dharam Veer	Kheon Chand
37.	Lal Chand	Hari Ram
38.	Ranveer	Harman
39.	Bhagwana	Tota Ram
40.	Har Singh	Sarwal
41.	Jag Lal	Mam Chand
42.	Sis Ram	Chandu
43.	Bharthu	Chuni Lal
44.	Phul Singh	Ram Sarup
45.	Parbhu	Nobat

**3. List of retrenched workmen of Khutiwas Quarries with effect from 1-1-1973.**

Sl. No.	Name and Father's name
1.	Sh. Hans Ram S/o Parbhati
2.	Sh. Sis Ram S/o Popia
3.	Sh. Umed S/o Badlu
4.	Sh. Phate S/o Chandgi
5.	Sh. Bhim S/o Singh Ram
6.	Sh. Girdhari S/o Samman
7.	Sh. Kurda S/o Har Narain
8.	Sh. Partap S/o Dev Karan
9.	Sh. Mohan S/o Ram Saran
10.	Sh. Raghubir S/o Lok Ram
11.	Sh. Tek Ram S/o Ranjit
12.	Sh. Pehlad S/o Jhabbar
13.	Sh. Chandgi S/o Nand Lal
14.	Sh. Hoshiara S/o Har Narain
15.	Sh. Mange S/o Kundan
16.	Sh. Daya Nand S/o Jai Lal
17.	Sh. Kamal Singh S/o Ramji
18.	Sh. Tittu S/o Sheo Ram
19.	Sh. Ram Chander S/o Ad Ram
20.	Sh. Neki Ram S/o Gokal
21.	Sh. Sri Ram S/o Ram Sarup
22.	Sh. Ram Kumar S/o Neki
23.	Sh. Mohar Singh S/o Kanhiya



Sl. No. Name and Father's name

अनुसूची

24. Sh. Partap S/o Naner.
25. Sh. Shanker S/o Ballu
26. Sh. Azad S/o Parbhati
27. Sh. Mansa Ram S/o Gutia
28. Sh. Sri Ram S/o Amrit
29. Sh. Jogi S/o Chandan
30. Sh. Rattan S/o Ram Saran

क्या निम्नलिखित 30 केन्द्रों में 1. निम्न 28 अर्थशोधकियों को निलम्बित करने के लिए पदाभिधान करने और उनके पुनः शोकाकरण करने की योजना बनाई गई है? यदि हाँ, तो वे कर्मकार किस अनुसूची के अन्तर्गत आते हैं और किस/किन तारीख/तारीखों से हकदार हैं?

## 4. List of retrenched workmen of Rawalddhi Quarries with effect from 1-1-1973.

Sl. No. Name and Father's name

क्रम सं. कर्मकार का नाम

अनुसूची

1. Sh. Lili Ram S/o Ram Nath
2. Sh. Ganesh S/o Ganpat
3. Sh. Sarla S/o Sarbhu
4. Sh. Chotu Ram S/o Prema Ram
5. Sh. Mohan S/o Prema Ram
6. Sh. Shanker S/o Jassa Ram
7. Sh. Bhoja Ram S/o Mangtu Ram
8. Sh. Mohan S/o Kesha Ram
9. Sh. Keshar S/o Bodhu Ram
10. Sh. Prema S/o Bhairu Ram
11. Sh. Ramdeva S/o Kushla
12. Sh. Sagar S/o Ganesh
13. Sh. Puran S/o Jhabbar
14. Sh. Kharda S/o Puran
15. Sh. Ram Kumar S/o Sohan
16. Sh. Laxmi Narain S/o Jai Lal
17. Sh. Jittu S/o Gordhan
18. Sh. Laxman S/o Chet Ram
19. Sh. Mahipal S/o Bhana Ram
20. Sh. Sunda S/o Kurda
21. Sh. Jai Lal S/o Phool Chand

1. श्री मदन पुत्र कल्याण
2. श्री हजारी पुत्र नारायण
3. श्री श्रीकार पुत्र कलीराम
4. श्री कम्मन पुत्र उम्व
5. श्री अशुल पुत्र इमाव
6. श्री कल्याण पुत्र गोपाल
7. श्री रामनाथ पुत्र दुनियाल
8. श्री गंगाराम पुत्र देवी राम
9. श्री बजीर अली पुत्र नजीर अली
10. श्री पंवर पुत्र नारायण
11. श्री हजारी पुत्र हावुनिया
12. श्री प्रताप पुत्र गोपाल
13. श्री मितो पुत्र गिरवरसिंह
14. श्री कालू पुत्र कुशल
15. श्री केसारा पुत्र हरजी
16. श्री हजारी पुत्र गंगा राम
17. श्री जगन्नाथ पुत्र भंवरलाल
18. श्री बजरंग पुत्र कुनिया
19. श्री शंकर पुत्र रामनाथ
20. श्री रामलाल पुत्र कजोर
21. श्री बन्नी पुत्र गोविन्दा
22. श्री रामनारायण पुत्र भुरा
23. श्री मोती पुत्र देवी राम
24. श्री श्यांजी पुत्र रामनाथ
25. श्री प्रहलाद पुत्र रामदयाल
26. श्री किशोर पुत्र जगन
27. श्री बेरदा पुत्र रामचन्द्र
28. श्री राम कल्याण पुत्र गंगा राम
29. श्री रघुनाथसिंह पुत्र भवर सिंह
30. श्री सुवा पुत्र भैराराम
31. श्री हीरा पुत्र मूल्वा
32. श्री रामनिवास पुत्र भुरा
33. कल्याण पुत्र गोविन्द
34. श्री रामनिवास पुत्र काना
35. श्री कान्ता पुत्र रामनाथ
36. श्री बाबू राम पुत्र नाथुराम
37. श्री भूरु पुत्र मेरु
38. श्री जगन् पुत्र रामचन्द्र
39. श्री देवीलाल पुत्र मांगीलाल

## 5. List of retrenched workmen of Achina Quarries with effect from 1-1-1973.

Sl. No. Name and Father's name

1. Sh. Jai Karan S/o Ballu
2. Sh. Randhir S/o Molar
3. Sh. Nathu S/o Puran
4. Sh. Randhir S/o Ramji Lal
5. Sh. Chander Bhan S/o Mange Ram
6. Sh. Ram Niwas S/o Udmu
7. Sh. Subhash S/o Ram Sarup
8. Sh. Mooliya S/o Sundu
9. Sh. Ram Dhari S/o Parbhati
10. Sh. Ram Saran S/o Munshi

[No. L-29012/9/73-LR.IV]

आदेश

दिनांक 30 मार्च, 1973

क्र.सं. 1453.---यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में त्रिनिदिष्ट विषयों के बारे में मैसूर जयपुर उद्योग लिमिटेड आकसर पलोदी क्वारी, जिला लवाई माधोपुर (राजस्थान) के प्रबन्धक से सम्बद्ध निरोधक और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकारी उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना बांछनीय समझती है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के अण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री उपदेश नारायण माथुर होंगे, जिनका मुख्यालय जयपुर होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

New Delhi, the 3rd May, 1973

**S.O. 1453**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Jalpur Udyog Limited, Post Office Phalodi Quarry, District Sawaimadhopur (Rajasthan) and their workmen in respect of the matters specified in the Schedule hereto annexed;

Andwhereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Updesh Narain Mathur as Presiding Officer with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

### SCHEDULE

Whether the demand of the workmen of Phalodi Quarry for redesignation and regradation of the following 39 beldars, having regard to the duties performed by them is justified? If so, to what relief are these workmen entitled and from what date/dates?

Sl. No.	Name of the workmen	Designation
1.	Sh. Madan S/o Kalyan	Beldar
2.	Sh. Hajari S/o Narayan	"
3.	Sh. Onkar S/o Kaniram	"
4.	Sh. Kamman S/o Usub	"
5.	Sh. Abdul S/o Isab	"
6.	Sh. Kalyan S/o Gopal	"
7.	Sh. Ramnath S/o Dunilal	"
8.	Sh. Gangaram S/o Devi Ram	"
9.	Sh. Bazir Ali S/o Nazir Ali	"
10.	Sh. Bhanwar S/o Narayan	"
11.	Sh. Hajari S/o Hatutiya	"
12.	Sh. Pratap S/o Gopal	"
13.	Sh. Mitto S/o Girvar Singh	"
14.	Sh. Kaloo S/o Kushal	"
15.	Sh. Kesara S/o Harji	"
16.	Sh. Hazari S/o Gangaram	"
17.	Sh. Jajanath S/o Bhanwarilal	"
18.	Sh. Bajarang S/o Kunja	"
19.	Sh. Shanker S/o Ramnath	"
20.	Sh. Ramlal S/o Kajor	"
21.	Sh. Badri S/o Govinda	"
22.	Sh. Ramnath S/o Bhura	"
23.	Sh. Moti S/o Deviram	"
24.	Sh. Shyaji S/o Ramnath	"
25.	Sh. Prhalad S/o Ramdeyal	"
26.	Sh. Kishore S/o Jaggan	"
27.	Sh. Berda S/o Ramchander	"
28.	Sh. Ramkalyan S/o Gangaram	"
29.	Sh. Raghunath Singh S/o Bhanwar Singh	"
30.	Sh. Suva S/o Bhewaram	"
31.	Sh. Heera S/o Mulya	"
32.	Sh. Ramnivas S/o Bhura	"
33.	Sh. Kalyan S/o Govind	"
34.	Sh. Ramniwas S/o Kana	"
35.	Sh. Kana S/o Ramnath	"
36.	Sh. Baburam S/o Nathuram	"
37.	Bhura S/o Meru	"
38.	Sh. Jagan S/o Ramchander	"
39.	Sh. Devlilal S/o Mangilal	"

(No. L-29011(59)/22-L.R. IV.)

**S.O. 1454**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Sagmania Lime Stone quarry of Messrs Satna Cement Works, Satna and their workmen, which was received by the Central Government on the 27th April, 1973.

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

16th April, 1973

#### Present :

Mr. Justice S. N. Katju.—Presiding Officer

Case Ref. No. CGIT/LC(R)(1) of 1973

#### Parties :

Employers in relation to the management of Sagmania Lime Stone Quarry of Messrs Satna Cement Works, Satna and their workman Shankarlal Pandey, School Master, represented through Khadan Shramik Sangh C/o Post Box No. 52, Satna (Madhya Pradesh).

#### Appearances :

For employer—Shri M. L. Mathur

For workman—Shri A. K. Pandey

Industry: Limestone Quarry—District: Satna (M.P.).

### AWARD

This is a reference under Section 10 (1)(d) of the Industrial Disputes Act, 1947 (hereinafter called the Act).

The workman, Shankarlal Pandey, was appointed in May, 1959 as a School Master in a School, which according to the management was a Coaching School at the Sagmania Quarry, on a wage of Rs. 2 per day. The aforesaid school was run by the management of Sagmania Limestone Quarry of M/s. Satna Cement Works, Satna (hereinafter called the management).

It was alleged on behalf of the management that the Gram Panchayat at Sagmania opened a School there in 1970 and the management felt that there was no necessity of continuing the aforesaid Coaching School which was run by the Welfare Centre of the management and as a recognised and regular school had started working at Sagmania therefore the said Coaching School was closed. According to the management, Shankarlal Pandey, was offered an alternative employment by the management's letter dated 15-2-1971 but he refused to accept the same. The Union raised the dispute before the Assistant Labour Commissioner (Central) at Jabalpur but the conciliation proceedings before him ended in failure. The Central Government then referred the present dispute to this Tribunal.

The question referred to in the reference before me is:—

"Whether the action of the management of Sagmania Lime Stone Quarry of Messrs. Satna Cement Works at and Post Office Satna, District Satna, in retrenching Shri Shankarlal Pandey, School Master, with effect from the 29th April, 1971, is justified? If not, to what relief is the workman entitled?"

The parties have arrived at a settlement and have filed an application incorporating the terms of the settlement. The management has agreed to give the workman the post of a Lower Division Teacher in Birla Vikas Vidyalaya on a basic salary of Rs. 128 plus Rs. 98 as Dearness Allowance with effect from 1-7-1973. The application has been signed by the representatives of the workman and the management. It has been duly verified before me. The aforesaid terms are fair and reasonable. I make my award in terms of the aforesaid settlement. The said application dated 16-4-1973 incorporating the terms of the settlement will form part of the award. I make no order for costs.

S. N. KATJU, Presiding Officer

## BEFORE THE INDUSTRIAL TRIBUNAL JABALPUR

CAMP ALLAHABAD.

Under Sec. 10 of I.D. Act

Employers in relation to Sagmania Limestone Quarry,  
Satna Cement Works, Satna—1st Party.

Vs.

PRESIDENT—Khadan Shramik Sangh for Shankar Lal  
Pandey—2nd Party.

Both the parties respectfully beg to submit as under :—

1. That Shri Shankar Lal Pandey today has submitted an application agreeing to accept any alternative job, before the Hon'ble Court.
2. That the 1st Party will request the management of Birla Vikash Vidhalaya to give him the post of L.D.T. Since Shri Shankarlal Pandey is not a trained teacher, he will be kept as temporary teacher for a year and Shri Pandey will do the training and will qualify himself as a trained teacher. If he does not qualify himself as a trained teacher, the management of the School will have the right to dispense with his services. He will be paid Rs. 128 as basic salary and Rs. 98 as D.A. with effect from 1-7-1973.
3. That, Shri Shankarlal Pandey will handover the charge of the material which is in his possession and also the quarter in vacant position before joining the school.
4. That Shri Shankar Lal Pandey will work sincerely in the School.
5. That the award may kindly be given on the above terms.

## PRAYER

It is prayed that the award may kindly be given accordingly.

Verified before me.

S. N. KATJU, Presiding Officer

16-4-1973

[Case No. CGIT/LC(R)(1)/73]

Submitted by

M. L. MATHUR,  
(For the First Party).AWANISH KUMAR PANDEY,  
(For Second Party).

Part of the Award

Allahabad,

16-4-1973.

S. N. KATJU, Presiding Officer.

[No. L-29011/42/72-LR IV.]

New Delhi, 4th May, 1973

S.O. 1455.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jaipur in the industrial dispute between the employers

in relation to the Budhpura Sand Stone Mine, owned by Shri Gurubachan Singh, C/o Manjit Stone Company, Chhawani, Kota and their workmen, which was received by the Central Government on the 28th April, 1973.

S. S. SAHASRANAMAN, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
RAJASTHAN, JAIPUR.

## Present :

Shri Updesh Narain Mathur—Presiding Officer.

Case No. CIT-4 of 1973

Ref.—Government of India, Ministry of Labour & Rehabilitation Department of Labour & Employment, New Delhi Order No. L-29011/67/72-LRIV. dated 30th December, 1972.

In the Matter of an Industrial Dispute.

## BETWEEN

The Patthar Khan Mazdoor Union, Kota.

## AND

Shri Gurubachan Singh, C/o Manjit Stone Company,  
Chhawani, Kota.

## Appearances :

For the Union—Shri Mahabir Prashad Sharma.

For the Management—Shri Gurubachan Singh.

Date of Award—20th March, 1973.

## AWARD

The Central Government has referred the following dispute to this Tribunal for adjudication :—

"Whether the demand of the workmen employed in Budhpura Sand Stone Mine of Shri Gurubachan Singh, Mine Owner, C/o Manjit Stone Company, Chhawani, Kota for payment of bonus at the rate of 20 per cent of the wages earned by them for the accounting years 1965-66, 1966-67, 1967-68, 1968-69, 1969-70 and 1970-71 is justified? If not, to what quantum of bonus are the workmen entitled for each of these years?"

During the pendency of the case the representatives of both the parties stated that an amicable settlement between the parties has been arrived at and the settlement has been presented before the Tribunal which has been duly verified before this Court. The parties request for passing an award in terms of the settlement. An award in terms of the settlement is accordingly passed in the matter. The settlement shall form part of this award.

U. N. MATHUR, Presiding Officer.

[No. L-29011(67)72/LR. IV.]

## FORM 'H'

नई दिल्ली, 5 मई, 1973

(See Rule 58)

## FORM FOR MEMORANDUM OF STATEMENT

Memorandum of Settlement in the Industrial Dispute between the management of Shri Gurubachan Singh, employer sand stone mine, Budhpura district Bundi residing at Chhawani, Kota and their workmen represented by the Patharkhan Mazdoor Sangh, Kota-2 over the demand of the Union regarding Bonus for the year 1965-66 to 1970-71 to the workers.

## Names of the Parties

Representing the Employer—Sardar Shri Guru Bachan Singh. Owner Chhawani, Kota.

Representing the workmen—Shri Mahavir Prasad Sharma, President.

## Short Recital of the case

The management and the Union were under negotiations for some time regarding the demand of the Union for payment of Bonus under the Bonus Act, 1965. The parties as a result of discussions and negotiations arrived at the following settlement.

## Terms of settlement :

1. Agreed that in the absence of relevant account books and connecting papers the profit sharing bonus for the accounting year 1970-71 shall be paid to all the entitled workers @ 5 per cent.

2. The Union agrees not to press its claim for the past years in view of the employer's contest regarding applicability of the Act on the grounds of employment of less than 20 workmen.

3. The amount agreed to in clause (1) above shall be paid within 15 days from the date of this settlement.

4. In view of the above settlement the Union agrees to move the Joint petition for no dispute award or award in terms of settlement in case No. C.T.T. pending before Shri Updesh Narain Mathur, Presiding Officer, Central Industrial Tribunal, Rajasthan, Jaipur before which the reference made by the Under Secretary, Department of Labour and Employment, Ministry of Labour, Employment and Rehabilitation, Government of India, New Delhi vide his order No. L-29011/67/72-LR IV dated 30-12-72 is pending for adjudication in the matter of demand for Bonus.

5. In view of the above settlement the Union withdraws its demands raised vide its letter No. 117/71 dated 30-11-71.

GURU BACHAN SINGH, Owner.

M. P. SHARMA, President.  
20-3-73.

Kota,  
Dated 20-3-73.

Witnesses 1.—Gurucharan Singh.

का. आ. 1456.—यतः केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोक हित में ऐसा अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (2) के परन्तुक के उपबंधों के अनुसरण में एक अधिसूचना भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का. आ. 3528 तारीख 26 अक्टूबर, 1972 द्वारा किसी तेल-क्षेत्र में सेवा को उक्त अधिनियम के प्रयोजनों के लिए 22 नवम्बर, 1972 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और यतः केन्द्रीय सरकार की राय है कि लोक हित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (8) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त सेवा को उक्त अधिनियम के प्रयोजनों के लिए 22 मई 1973 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं. एस-11025/15/73-एल. आर. 1]

एस. एस. सहस्रनामन, अवर सचिव

New Delhi, the 5th May, 1973

S.O. 1456.—Whereas the Central Government being satisfied that the public interest so required, had declared by a notification made in pursuance of the provision of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), [being the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 3528 dated the 26th October, 1972] service in any oil-field, to be a public utility service for the purposes of the said Act for a period of six months from the 22nd November, 1972;

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months,

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a further period of six months from the 22nd May, 1973.

[F. No. S. 11025/15/73-LR. 1.]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, 9 मई, 1973

**क्र. आ. 1457.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसूचना में, केन्द्रीय सरकार, भारत सरकार के भूतपूर्व श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. क्र. आ. 2763, तारीख 17 मई, 1971 में निम्नीलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए मान्यताप्राप्त नियोजकों के संगठनों के परामर्श से केन्द्रीय सरकार द्वारा धारा 4 के खण्ड (च) के अधीन नामनिर्दिष्ट, शीर्षक के अन्तर्गत मद् 23 के सामने प्रविष्ट में, “निदेशक, एन्ड्रू यूल एण्ड लिमिटेड, 8 क्लाइव रो, कलकत्ता-1” पद के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“औद्योगिक सलाहकार, पश्चिमी बंगाल, फिलिप्स इंडिया लिमिटेड, 7 जस्टिस चन्द्र माधव रोड, कलकत्ता-20”

[फाइल सं. यू. 16012/16/72-एच आई]

New Delhi, the 9th May, 1973

**S.O. 1457.**—In pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India, in the late Ministry of Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 2763, dated the 27th May, 1971, namely:—

In the said notification, under the heading '(nominated by the Central Government under clause (f) of section 4 in consultation with organisations of employers recognised by the Central Government for the purpose)' in the entry at Serial No. 21, in the expression “Director, Andrew Yule & Co. Ltd., 8 Clive Row, Calcutta-1”, the following shall be substituted, namely:—

“Industrial Adviser, West Bengal, Phillips India Ltd., 7, Justice Chandra Madhab Road, Calcutta-20”.

[F. No. U-16012/16/72-HI]

**क्र. आ. 1458.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. क्र. आ. 2479, तारीख 19 जून, 1972 के क्रम में केन्द्रीय सरकार भारतीय तेल निगम लिमिटेड (विपणन प्रभाग) डाकघर आरमपुर, कानपुर को उक्त अधिनियम के प्रवर्तन से 4 अप्रैल, 1973 से 3 अप्रैल, 1974 तक, जिसमें यह दिन भी सम्मिलित है, एक वर्ष की अवधि के लिए कटौती करती है।

[फा. सं. 38017(10)/71-एच आई]

**S.O. 1458.**—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S. O. 2479, dated the 19th June, 1972 the Central Government hereby exempts the Indian Oil Corporation Limited (Marketing Division) Post Office Arampore, Kanpur from the operation of the said Act for a further period of one year with effect from the 4th April, 1973 upto and inclusive of the 3rd April, 1974.

[No. S. 38017(10)/71-HI]

**क्र. आ. 1459.**—कर्मचारी भविष्य निधि और कटुम्भ पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. क्र. आ. 493, तारीख 24 जनवरी, 1972 में अधिस्त कर्त हुए, केन्द्रीय सरकार श्री पी. ए. स्कीम और कटुम्भ पेंशन निधि स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएँ हों, सम्पूर्ण पश्चिमी बंगाल राज्य और अंडमान और निकोबार द्वीप समूह तथा राज्यक्षेत्र के लिए निरीक्षक नियुक्त करती है।

[सं. ए-12016(14)/73-पीएफ 1(2)]

**S.O. 1459.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India, in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 493, dated the 24th January, 1972, the Central Government hereby appoints Shri P. S. Dhotrekar to be an Inspector for the whole of the State of West Bengal and the Union territory of Andaman and Nicobar Islands for the purposes of the said Act and the Employees' Provident Funds Scheme and the family pension scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one

[No. A. 12016(14)/73-PF. I(H)]

क्र. आ. 1460.—कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 59 की उप-धारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. क्र. आ. 492, तारीख 24 जनवरी, 1972 का अधिवर्तन करते हुए केन्द्रीय सरकार श्री कं. एस. सेठी के स्थान पर श्री पी. एस. धोत्रेकर को केन्द्रीय भविष्य निधि आयुक्त को उसके कर्तव्यों का निर्वहन करने में सहायता देने के लिए सम्पूर्ण पश्चिमी बंगाल राज्य और अंडमान और निकोबार द्वीपसमूह संघ राज्य क्षेत्र के लिए प्रादेशिक भविष्य निधि आयुक्त नियुक्त करती है।

[सं. ए-12016(14)/73-पीएफ 1(1)]

दलजीत सिंह, अवर सचिव

S.O. 1460.—In exercise of the powers conferred by sub-section (2) of section 5L of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S. O. 492, dated January, 1972, the Central Government hereby  
S. Dhotrekar as the Regional Provident Commissioner for the whole of the State of West Bengal and the Union territory of Andaman and Nicobar Islands to assist the Central Provident Fund Commissioner in the discharge of his duties, vice Shri K. S. Sethi.

[No. A. 12016 (14)/73-PF. I(i)]

DALJIT SINGH, Under Secy.

#### (पुनर्वासि विभाग)

नई दिल्ली, 24 अप्रैल, 1973

क्र. आ. 1461.—निष्क्रान्त सम्पत्ति प्रशासन अधिनियम, 1950 (1950 की 31) की धारा 6 की उप धारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा पुनर्वासि विभाग के अन्तर्गत कार्य कर रहे बन्दोबस्त अधिकारियों को उक्त अधिनियम के द्वारा या उसके अन्तर्गत निष्क्रान्त सम्पत्ति उप अभिरक्षकों को सौंपे गए कार्यों को करने के लिए महाराष्ट्र राज्य

में निष्क्रान्त सम्पत्ति उप अभिरक्षकों के रूप में नियुक्त करती है।

[फा. संख्या ए-36016(1)/प्रशासन सेल/73]

#### (Department of Rehabilitation)

New Delhi, the 24th April, 1973

S.O. 1461.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the Maharashtra State, the Settlement Officers working under the Department of Rehabilitation, as Deputy Custodians of Evacuee Property for the purpose of discharging the duties imposed on such officers by or under the said Act.

[F. No. A-36016(1)/Admn. Cell/73]

क्र. आ. 1462.—विस्थापित व्यक्ति (दावे) पूरक अधिनियम, 1954 (1954 की 12) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा पुनर्वासि विभाग के अन्तर्गत कार्य कर रहे बन्दोबस्त अधिकारियों को सत्काल प्रभाव से उक्त अधिनियम के द्वारा या उसके अन्तर्गत अतिरिक्त बन्दोबस्त आयुक्तों को सौंपे गए कार्यों को करने के लिए बन्दोबस्त आयुक्तों के रूप में नियुक्त करती है।

[फा. सं.-ए-36016(1)/प्रशासन सेल/73]

जय किशन अहलूवालिया, अवर सचिव

S.O. 1462.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954, (No. 12 of 1954), the Central Government hereby appoints the Settlement Officers working under the Department of Rehabilitation as Additional Settlement Commissioners for the purpose of performing the functions assigned to such officers by or under the said Act, with immediate effect.

[F. No. A-36016(1)/Admn. Cell/73]

J. K. AHLUWALIA, Under Secy.